

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



2021

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of the
Two Hundred and Nineteenth Legislature

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¹Resigned on 7/19/21

²Sworn in 12/8/21

³Deceased, 2/20/21

⁴Sworn in 3/25/21

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Passaic)

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KEVIN J. ROONEY

¹Sworn in 1/27/21

²Resigned on 3/25/21

³Sworn in 4/9/21

LAWS

ACTS
ENACTED BY THE

Second Annual Session
OF THE

Two Hundred and Nineteenth Legislature

CHAPTER 1

AN ACT concerning State contracts for social services and supplementing Title 30 of the Revised Statutes.

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

C.30:1-1.2a Findings, declarations relative to State contracts for social services.

1. The Legislature hereby finds and declares that:

a. Publicly financed mental health, behavioral health, and addiction services are critical to the health, safety, and well-being of the people of New Jersey, and comprise an integral and essential component of the State's health and safety network in which the taxpayers invest significant resources and public funds.

b. The COVID-19 pandemic and the economic devastation resulting from its outbreak has, and will continue to cause, increased demand for the public provision of these services. Periods of economic shock, insecurity, social isolation, and pandemics increase demand for and reliance on these essential services funded or administered by the State.

c. The Legislature intends to ensure the uninterrupted delivery of essential mental health, behavioral health, and addiction services to its most vulnerable citizens and to ensure such services are delivered efficiently. The State has a proprietary interest in ensuring efficiency and quality in the delivery of these services through licensed community-based organizations and providers, with which the State contracts through the Department of Human Services and the Department of Children and Families. The State's proprietary interest in these services includes ensuring their uninterrupted delivery by contracted providers licensed by the State.

d. The COVID-19 pandemic forces recognition of the significant health and safety risks undertaken by the individuals who provide these essential health services to the public on behalf of the State. The State has a responsibility to ensure the resources it provides to community-based organizations

and providers with which it contracts support the safety of the employees and recipients of these services.

e. In administering its mental health, behavioral health, and addiction services public health program, it is in the State's interest to ensure the individuals who are employed to deliver the services are entitled to raise concerns, issues, and problems, and have full exercise of their liberty of speech and conscience without fear of reprisal or retaliation.

f. The aforementioned interests are best accomplished by requiring all contracts renewed or entered into after the effective date of this act between providers and the State, acting through the Department of Human Services' Division of Mental Health and Addiction Services and Department of Children and Families for the provision and delivery of behavioral health, mental health, and addiction services to require:

(1) adoption and adherence to a policy sufficient to ensure service providers and service recipients are protected from infection and the spread of COVID-19; and

(2) certification of a commitment to ensure the uninterrupted delivery of services caused by labor-management disputes.

C.30:1-1.2b Certain conditions for maintaining contract.

2. a. Where a labor organization represents or seeks to represent the employees of a covered provider, the maintenance of a labor harmony agreement, or a commitment comparable to a labor harmony agreement, with the labor organization representing or seeking to represent employees of the covered provider shall be an ongoing material condition of maintaining a contract with the Department of Human Services' Division of Mental Health and Addiction Services or the Department of Children and Families for the provision of mental health, behavioral health, or addiction services.

b. To satisfy the requirements of this section, a covered provider entering into or renewing a contract with the Department of Human Services' Division of Mental Health and Addiction Services or the Department of Children and Families shall, no later than 90 days after the effective date of the contract, either:

(1) submit an attestation, signed by a labor organization, stating that the covered provider has entered into a labor harmony agreement with such labor organization;

(2) submit an attestation stating that the employees of the covered provider are not currently represented by a labor organization and that no labor organization has sought to represent the covered provider's employees dur-

ing the 90-day period following the covered provider entering into or renewing a contract for services with the department after the effective date of this act and up to the time of submission; or

(3) submit an attestation, signed by a labor organization, stating that the provider has entered into an agreement or binding obligation to be maintained through the term of the contract that provides a commitment comparable to a labor harmony agreement, as defined in section 4 of P.L.2021, c.1 (C.30:1-1.2c).

c. Where a labor organization seeks to represent the employees of a covered provider after the expiration of the 90-day period following the effective date of the contract, the labor organization shall provide notice to the applicable department regarding such efforts. The covered provider shall then submit an attestation signed by the labor organization to the applicable department no later than 90 days after the date of notice stating that it has entered into:

(1) a labor harmony agreement with such labor organization; or

(2) an agreement or binding obligation to be maintained through the term of the contract that provides a commitment comparable to a labor harmony agreement, as defined in section 4 of P.L.2021, c.1 (C.30:1-1.2c).

d. The failure to submit an attestation as required pursuant to subsections b. and c. of this section shall result in financial recovery and a corrective action plan issued by the applicable department. Should the provider not adhere to the terms of the corrective action plan, the applicable department shall cancel or not renew the contract upon the applicable department obtaining a replacement provider to assume the contract or otherwise provide the services. The applicable department may grant an extension to the deadlines in subsections b. and c. of this section based upon extenuating circumstances or for good cause shown. An extension shall be warranted pursuant to subsection b. if a labor organization seeks to represent a covered provider's employees after the contract is renewed or entered into but within the 90-day period following the effective date of the contract.

e. Any interested person may provide notice to the commissioner of the applicable department of a failure by a covered provider to adhere to the requirements of this section. Upon filing of such a notice, the commissioner may review and make findings, or, in consultation with the Commissioner of Labor and Workforce Development, the State Board of Mediation, or both, as appropriate, shall commence an investigation. Upon finding that a covered provider failed to adhere to the requirements of this section, the commissioner of the applicable department shall take corrective action which may include a corrective action plan, financial recovery and cost recoupment,

and cancelling or declining to renew the contract. Should the covered provider fail to engage in or complete corrective action, the commissioner of the applicable department shall cancel or decline to renew the contract. Such findings shall be reviewable, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). The commissioner of the applicable department shall not take corrective action until the conclusion of such proceedings. The provisions of this subsection shall be limited solely to the issue of adherence to the contractual commitment made by the contractor and accepted by the departments as a condition of the contract, and is neither exclusive nor preclusive as to any claim under the "Conscientious Employee Protection Act," P.L.1986, c.105 (C.34:19-1 et seq.), or the "New Jersey False Claims Act," P.L.2007, c.265 (C.2A:32C-1 et seq.).

3. a. A contract entered into or renewed after the effective date of this act for the services described in section 2 of this act shall contain a COVID-19 health and safety commitment that requires the covered provider to make a good faith effort to comply with minimum health and safety protocols issued by the applicable department to adequately ensure the safety of the covered providers' employees, and service recipients.

b. Prior to awarding or renewing any contract subject to this section, the departments shall collect information as to whether there have been any prior failures to demonstrate a good faith effort to contain, limit, or mitigate the spread of COVID-19 among the covered provider's employees or service recipients.

The commissioner of the applicable department shall consider any submissions by any interested party in making the determination that shall be provided to the covered provider for response. The commissioner of the applicable department shall take into account such failures prior to awarding or renewing any contract and, at a minimum, require submission of a corrective plan to contain, limit, or mitigate the spread of COVID-19 cases. Should a provider fail to implement a plan or repeatedly fail to demonstrate good faith efforts to contain, limit, or mitigate the spread of COVID-19, the commissioner shall take action, including financial penalties or cancellation or non-renewal of the contract.

C.30:1-1.2c Definitions relative to State contracts for social services.

4. As used in this act:

'Covered employee' means any regular full-time or regular part-time employee who principally works for a covered provider and who performs or provides any type of work to deliver those services to individuals who are eligible to receive those services.

‘Covered provider’ means the entity entering into a Contract with the Department of Human Services’ Division of Mental Health and Addiction Services or the Department of Children and Families to provide mental health, behavioral health, and addiction services that employs more than 10 covered employees.

‘Labor harmony agreement’ means an agreement between a provider and any exclusive representative labor organization which represents or seeks to represent employees performing services under contract with the Department of Human Services’ Division of Mental Health and Addiction Services or the Department of Children and Families that contains a provision prohibiting economic or industrial action on the part of all parties and includes a process for the resolution of disputes between them.

‘Labor organization’ means a labor organization that is the collective bargaining representative of not less than 1,000 employees in the State of New Jersey that serve in similar classifications or provide similar services as those provided by the employees performing the contract for the Department of Human Services’ Division of Mental Health and Addiction Services or the Department of Children and Families contemplated in this act.

5. This act shall take effect on July 1, 2021 and shall apply to all contracts entered into or renewed on or after the effective date. Section 3 of this act shall expire on the 366th day following the end of the public health emergency and state of emergency declared by the Governor in Executive Order No. 103 of 2020.

Approved January 15, 2021.

CHAPTER 2

AN ACT concerning perimeter fence intrusion protection systems and other alarm systems, amending and supplementing P.L.1962, c.162, and amending P.L.1997, c.305.

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

1. Section 2 of P.L.1962, c.162 (C.45:5A-2) is amended to read as follows:

C.45:5A-2 Definitions.

2. For the purpose of this act, unless otherwise indicated by the context:

(a) "Act" means this act, P.L.1962, c.162 (C.45:5A-1 et seq.) and the rules and regulations adopted under it;

(b) "Board" means the Board of Examiners of Electrical Contractors created by section 3 of this act;

(c) "Department" means the Department of Law and Public Safety;

(d) "Electrical contractor" means a person who engages in the business of contracting to install, erect, repair or alter electrical equipment for the generation, transmission or utilization of electrical energy;

(e) "Person" means a person, firm, corporation or other legal entity;

(f) "Alarm business" means the sales, installation, servicing or maintenance of burglar alarm, fire alarm or electronic security systems, or the monitoring or responding to alarm signals when provided in conjunction therewith. "Alarm business" shall also include the installation, sales, servicing or maintenance of a smoke detection system or a smoke aspiration system in one or two family detached residential dwellings, or both; and the type of alarm business that engages in the installation, sales, servicing or maintenance of (1) perimeter intrusion protection systems; (2) unmanned aerial drones used to protect a premise, building, or complex; and (3) any artificial intelligence and evolving technology used for physical security applications consisting of a device or machine, computer or software used for detection, security, surveillance, monitoring of unauthorized access, or providing a warning of intrusion, which is designed to discourage crime or warn of potential threats using unmanned aerial drones, robots or machines. "Installation," as used in this definition, includes the survey of a premises, the design and preparation of the specifications for the equipment or system to be installed pursuant to a survey, the installation of the equipment or system, or the demonstration of the equipment or system after the installation is completed, but does not include any survey, design or preparation of specifications for equipment or for a system that is prepared by an engineer licensed pursuant to the provisions of P.L.1938, c.342 (C.45:8-27 et seq.), or an architect licensed pursuant to the provisions of chapter 3 of Title 45 of the Revised Statutes, if the survey, design, or preparation of specifications is part of a design for construction of a new building or premises or a renovation of an existing building or premises, which renovation includes components other than the installation of a burglar alarm, fire alarm or electronic security system, and further does not include the design or preparation of specifications for the equipment or system to be installed that are within the practice of professional engineering as defined in subsection (b) of section 2 of P.L.1938, c.342 (C.45:8-28);

(g) "Burglar alarm" means a security system comprised of an interconnected series of alarm devices or components, including systems interconnected with radio frequency signals, or Internet protocol and any successor protocols, which emits an audible, visual or electronic signal indicating an alarm condition and providing a warning of intrusion, which is designed to discourage crime. "Burglar alarms" include but are not limited to perimeter intrusion protection systems and perimeter fence intrusion protection systems;

(h) "Business firm" means a partnership, corporation or other business entity engaged in the alarm business or locksmithing services;

(i) "Committee" means the Fire Alarm, Burglar Alarm, and Locksmith Advisory Committee created by section 3 of P.L.1997, c.305 (C.45:5A-23);

(j) "Electronic security system" means a security system comprised of an interconnected series of devices or components, or Internet protocol and any successor protocols, including systems with audio and video signals, or perimeter intrusion protection systems, or other electronic systems, which emits or transmits an audible, visual or electronic signal warning of intrusion and provides notification of authorized entry or exit, which is designed to discourage crime. "Electronic security system" shall include access control systems, CCTV systems, intercom systems, automation systems when integrating with security devices, perimeter intrusion protection systems, and other electronic monitoring devices;

(k) "Fire alarm" means a system comprised of an interconnected series of alarm devices or components, and notification appliances, including systems interconnected with radio frequency signals, which emits an audible, visual or electronic signal indicating an alarm condition and which provides a warning of the presence of gas, smoke or fire, or a notification of emergency evacuation. "Fire alarm" does not mean a system whose primary purpose is telecommunications with energy control, the monitoring of the interior environment being an incidental feature thereto;

(l) "Licensed locksmith" means a person who is licensed pursuant to the provisions of section 7 of P.L.1997, c.305 (C.45:5A-27);

(m) "Licensee" means a person licensed to engage in the alarm business or provide locksmithing services pursuant to the provisions of section 7 of P.L.1997, c.305 (C.45:5A-27);

(n) "Locksmithing services" means the modification, recombination, repair or installation of mechanical locking devices and electronic security systems for any type of compensation and includes the following: repairing, rebuilding, recoding, servicing, adjusting, installing, manipulating or bypassing of a mechanical or electronic locking device, for controlled access or egress to premises, vehicles, safes, vaults, safe doors, lock boxes, automatic

teller machines or other devices for safeguarding areas where access is meant to be limited; operating a mechanical or electronic locking device, safe or vault by means other than those intended by the manufacturer of such locking devices, safes or vaults; or consulting and providing technical advice regarding selection of hardware and locking systems of mechanical or electronic locking devices and electronic security systems; except that "locksmithing services" shall not include the installation of a prefabricated lock set and door knob into a door of a residence;

(o) "Qualified journeyman electrician" means a person registered pursuant to P.L.1962, c.162 (C.45:5A-1 et seq.) or P.L.2001, c.21 (C.45:5A-11.1 et al.), as a qualified journeyman electrician by the board;

(p) "Access control system" means a system that provides access to authorized persons and may record and report which persons entered or exited a facility or areas within a facility, which doors or areas were accessed while persons are within a facility, and the time that such activity occurred. "Access control systems" may include the use of keys, access cards, locks, card readers, biometric identification devices, recorders, printers and control devices. "Access control systems" may be independent systems or may be integrated with other electronic security systems or internet protocol and any successor protocols;

(q) "Closed circuit television" or "CCTV" means a video security system that may include video cameras, Internet protocol cameras, monitors, switches, camera enclosures, controls and other related devices. "Closed circuit television" shall include an independent system or system that is integrated with other electronic security systems or Internet protocol and any successor protocols;

(r) "Internet protocol and any successor protocol" means a protocol that integrates with any electronic security devices in any existing and future data network protocols to carry alarm signals or video transmission signals or fire alarm signals or any security system now and in the future;

(s) "Intercom system" means an audio security communication system containing control circuitry that may include a feature designed to selectively release electronically secured doors or capable of viewing an image at the same time;

(t) "Perimeter intrusion protection system" means a device, machine, computer or software used for detection, security, surveillance, or monitoring of unauthorized access, providing a warning of intrusion, which is designed to discourage crime or warn of potential threats using unmanned aerial drones, robots, machines, computers, or software with minimal human intervention, and is a type or component of a security system;

(u) “Perimeter fence intrusion protection system” means a perimeter intrusion protection system that satisfies the requirements established pursuant to section 2 of P.L.2021, c.2 (C.45:5A-54), and all attached system components or equipment, including but not limited to a fence, an energizer powered by a commercial storage battery not exceeding 12 volts dc, which produces a short electric pulsed charge upon contact with the fence, and battery charging device used exclusively to charge the battery, or utilization of micro wave energy or radio frequencies for perimeter intrusion protection, and any successor technologies used for perimeter intrusion protection, and is a type or component of a security system;

(v) “Smoke aspiration system” means a smoke detection system that takes samples of the air and tests them for presence of smoke;

(w) “Smoke detection system” means an electronic system consisting of a control unit, which may be a component of a combination fire and burglar control panel, or one or more smoke aspiration systems, smoke detectors, heat detectors, gas detectors, if required, audible appliances, and battery back-up, as utilized in one or two family detached residential dwellings, or both;

(x) “Branch circuit wiring” means the circuit conductors between the final overcurrent device protecting the circuit and the outlet or outlets.

C.45:5A-54 Requirements of perimeter fence intrusion protection system.

2. A perimeter fence intrusion protection system shall:

a. interface with a monitored alarm device in a manner that enables the burglar alarm system to transmit a signal intended to summon the business or law enforcement, or both, in response to an intrusion or burglary;

b. be located on property that is not designated by a municipality exclusively for residential use;

c. have an energizer that is driven by a commercial storage battery that is not more than 12 volts of direct current;

d. have an energizer that meets the standards set forth by the International Electrotechnical Commission Standard 60335-2-76, in its current edition, and as amended and supplemented;

e. be surrounded by a nonelectric perimeter fence or wall that is not less than five feet in height;

f. not exceed ten feet in height or two feet higher than the nonelectric perimeter fence or wall described in subsection e. of this section, whichever is higher;

g. be marked with conspicuous warning signs that are located on the perimeter fence intrusion protection system at not more than 40 foot intervals and that read: “WARNING—ELECTRIC FENCE”;

h. comply with the requirements set forth in the rules and regulations adopted by the board; and

i. be installed by a person trained by the manufacturer or certified in the installation, maintenance, repair, safety and operation of the perimeter fence intrusion protection system.

3. Section 16 of P.L.1997, c.305 (C.45:5A-36) is amended to read as follows:

C.45:5A-36 Municipality, county prohibited from regulating certain locksmiths, alarm businesses.

16. a. Notwithstanding any provision of the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.), or any other law to the contrary, no municipality or county shall adopt an ordinance or resolution or promulgate any rules or regulations relating to a licensed locksmith or alarm business that:

(1) requires the licensing or registration of locksmiths or alarm businesses;

(2) requires a locksmith or an alarm business to submit information about the business' systems;

(3) requires a locksmith or an alarm business to pay an alarm registration or licensure fee to a third party person or business;

(4) requires a permit or fee for the installation of a perimeter fence intrusion protection system in addition to an alarm system permit issued by the municipality or county;

(5) imposes an installation or operational requirement for a perimeter fence intrusion protection system that is inconsistent with the requirements and standards of the act;

(6) impedes the installation or continued operation of a perimeter fence intrusion protection system; or

(7) prohibits the installation or use of a perimeter fence intrusion protection system.

b. The provisions of any ordinance or resolution or rules or regulations of any municipality or county relating to the licensing or registration of locksmiths or alarm businesses are superseded by the provisions of this act. Municipal and county officials and employees shall comply with the provisions of the act. Nothing in this section shall be construed, however, to prohibit municipal regulation of door-to-door vendors or salespersons of burglar alarm, fire alarm or electronic security systems nor shall anything in this section be construed to prohibit or restrict municipal consideration of alarm business service proposals in consent proceedings under the "Cable Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.).

C.45:5A-55 Regulations relative to licensed electrical contractors.

4. Only a licensed electrical contractor holding a valid business permit pursuant to section 9 of P.L.1962, c.162 (C.45:5A-9), shall install, service, maintain, or repair branch circuit wiring. No provision of this section shall preclude a burglar alarm, fire alarm, or locksmith licensee from connecting to, or dismantling from, a branch circuit that was previously installed by an electrical contractor licensed by the Board of Examiners of Electrical Contractors pursuant to P.L.1962, c.162 (C.45:5A-1 et seq.).

5. This act shall take effect immediately.

Approved January 21, 2021.

CHAPTER 3

AN ACT concerning posting notices to enable victims of human trafficking to obtain help and services and amending and supplementing P.L.2013, c.51.

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

1. Section 1 of P.L. 2013, c.51 (C.52:17B-237) is amended to read as follows:

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 General 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, victim remedies and services, and trafficking prevention including the creation of a public awareness sign promoting 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-237.1 Display of human trafficking public awareness sign; penalty for failure to display.

2. Display of Human Trafficking Public-Awareness Sign; Penalty for Failure to Display.

a. Pursuant to section 1 of P.L. 2013, c.51 (C.52:17B-237), the Commission on Human Trafficking shall develop and determine the language for a public awareness sign that contains 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 otherwise meets the requirements contained

in subsection d. of this section. The public awareness sign shall be revised and modified by the Commission from time to time as need may require.

b. The following establishments to the extent practicable shall display the public awareness sign described in subsection a. in a place that is clearly conspicuous and visible to employees and the public:

(1) Strip clubs or sexually oriented businesses as defined in subsection a. of section 2 of P.L.1995, c.167 (C.2C:33-12.2), including, but not limited to, within every dressing room and within every restroom and restroom stall;

(2) Places of business of employers of massage or bodywork therapists, which employers are subject to registration, and which therapists are subject to licensure, pursuant to P.L.1999, c.19 (C.45:11-53 et seq.) and section 13 of P.L.2007, c.337 (C.45:11-68 et al.), including, but not limited to, within every dressing room and within every restroom and restroom stall;

(3) Bars;

(4) Airports;

(5) Passenger rail or light rail stations;

(6) Bus stations;

(7) Welcome Centers;

(8) Truck stops;

(9) Weigh Stations;

(10) Emergency rooms within general acute care hospitals;

(11) Urgent care centers;

(12) Farm labor contractors and day haulers;

(13) Privately operated job recruitment centers;

(14) Service areas and safety rest areas located along interstate highways in New Jersey;

(15) All forms of public transportation, including every railroad passenger car; and

(16) Hotels, motels, bed and breakfast establishments, campsites, and similar places of public accommodation.

c. Owners and operators of private and public school buses are encouraged to display the public awareness sign described in subsection a. in a place that is clearly conspicuous and visible to students.

d. The public awareness sign to be posted pursuant to subsection b. shall be no smaller than eight and one-half inches by eleven inches in size, printed in 16-point font, in English and Spanish.

e. A business or establishment that fails to comply with the requirements of this section shall be liable for a civil penalty of \$300 for a first offense and \$1000 for each subsequent offense.

3. This act shall take effect immediately.

Approved January 29, 2021.

CHAPTER 4

AN ACT concerning certain aspects of the State procurement process and amending P.L.2012, c.25 and P.L.1954, c.48.

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

1. Section 4 of P.L.2012, c.25 (C.52:32-58) is amended to read as follows:

C.52:32-58 Certification required.

4. a. A State agency shall require a person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract to certify, prior to the time a contract is awarded and at the time the contract is renewed, that the person or entity is not identified on a list created pursuant to subsection b. of section 3 of this act as a person or entity engaging in investment activities in Iran described in subsection f. of section 2 of this act.

b. The certification required shall be executed on behalf of the applicable person or entity by an authorized officer or representative of the person or entity.

c. In the event that a person or entity is unable to make the certification required because it or one of its parents, subsidiaries, or affiliates as defined in subsection e. of section 2 of this act has engaged in one or more of the activities specified in subsection f. of section 2 of this act, the person or entity shall provide to the State agency concerned, prior to the deadline for delivery of such certification, a detailed and precise description of such activities, such description to be provided under penalty of perjury.

d. The certifications provided under subsection a. of this section and disclosures provided under subsection c. of this section shall be disclosed to the public.

2. Section 7 of P.L.1954, c.48 (C.52:34-12) is amended to read as follows:

C.52:34-12 State advertisement for bids.

7. a. Whenever advertising is required: (a) specifications and invitations for bids shall permit such full and free competition as is consistent with the

procurement of supplies and services necessary to meet the requirements of the using agency and shall, wherever practicable, include such factors as life-cycle costs, sliding percentage preference scales, or other similar analysis as shall be deemed effective by the Director of the Division of Purchase and Property, hereinafter referred to as the director, (b) the advertisement for bids shall be in such newspaper or newspapers and other medium or media selected by the State Treasurer as will best give notice thereof to bidders and shall be sufficiently in advance of the purchase or contract to promote competitive bidding; (c) the advertisement shall designate the time and secure location when and where proposals, which may be submitted in electronic or other format designated by the director, shall be received, opened and publicly announced, the amount of the cash or certified check, if any, which must accompany each bid, and such other terms as the State Treasurer may deem proper; (d) notice of revisions or addenda to advertisements or bid documents relating to bids shall be published in a newspaper or newspapers and other medium or media selected by the State Treasurer to give notice to bidders at least seven days, Saturdays, Sundays and holidays excepted, prior to the bid due date; (e) failure to advertise for the receipt of bids or to provide proper notification of revisions or addenda to advertisements or bid documents related to bids as prescribed by subsection (d) of this section shall prevent the acceptance of bids and require the readvertisement for bids; (f) for any procurement, other than a contract for the construction or maintenance of a public work procured by other than the director of the Division of Purchase and Property, the State Treasurer or the director may negotiate with bidders the final terms and conditions of any procurement, including price; such ability to so negotiate must be expressly set forth in the applicable invitation to bid and (i) such bids shall not be publicly accessible until after negotiations have been completed and the notice of intent to award the contract has been issued or (ii) notwithstanding subparagraph (i) of subparagraph (f), bids or portions thereof, may be publicly accessible if the State Treasurer or the director is procuring via a reverse auction process and the bids, or portions thereof, have been de-identified; (g) award shall be made with reasonable promptness, after negotiation with bidders where authorized, by written or electronic notice to that responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the State, price and other factors considered; and (h) the Treasurer shall require, with respect to contracts for information technology goods and services, a limitation of liability determined by the Director of the Division of Purchase and Property. When negotiations occur pursuant to subparagraph f. of this section, a written record of the nature and content of the

negotiations, as well as the dates and persons involved, shall become a public record when the notice of intent to award the contract is issued. Notwithstanding the provisions of this subsection, the Director of the Division of Purchase and Property may structure an advertisement for bids to include an auction or reverse auction procedure, related to the procurement of goods, services, or both, with the exception of contracts for the provision of hospital, surgical, obstetrical, and other covered health care services and benefits or for the provider network for those services in connection with the State Health Benefits Program, the School Employees' Health Benefits Program, and Medicaid Managed Care Program, except for a pharmacy benefit management contract, whereby pricing is revealed to all other qualified bidders during the course of the auction or reverse auction, whenever the director determines that the use of such procedure will result in bids being more advantageous to the State, price and other factors considered.

Any or all bids may be rejected when the State Treasurer or the Director of the Division of Purchase and Property determines that it is in the public interest so to do. The State Treasurer or designee may adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such rules and regulations as may be necessary to implement the provisions of this section.

This section shall apply to all bids received on and after the date of enactment of P.L.1999, c.440.

b. Whenever by law a State independent authority may negotiate with bidders, after bid opening, the final terms and conditions of any procurement, including price, and such ability to so negotiate is expressly set forth in the applicable invitation to bid, a written record of the nature and content of the negotiations, as well as the dates and persons involved, shall not be publicly accessible until after the notice of intent to award the contract is issued.

3. This act shall take effect immediately.

Approved January 29, 2021.

CHAPTER 5

AN ACT concerning data reporting related to the coronavirus disease 2019 pandemic.

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

1. a. (1) The Commissioner of Health shall require general acute care hospitals, special hospitals, ambulatory care facilities, ambulatory surgical centers, assisted living facilities, home health agencies, and nursing homes licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), as well as hospice programs licensed pursuant to P.L.1997, c.78 (C.26:2H-79 et seq.), to report to the Department of Health, either directly or through a non-profit trade association, on a bi-monthly basis, de-identified data on the number of health care professionals, ancillary health care workers, and emergency medical services personnel employed by the facility who tested positive for the coronavirus disease 2019 and who died from the coronavirus disease 2019.

(2) The information required pursuant to this subsection shall be filed in a form and manner as shall be required by the department. To ensure the integrity and accuracy of the information reported pursuant to this subsection, the department shall seek to identify and minimize duplicative reporting from multiple facilities concerning the same individual in the event that the individual is employed by, or affiliated with, more than one facility that is subject to the reporting requirements set forth in this section.

b. The department shall issue a report concerning the occupational data received pursuant to subsection a. of this section by publishing the latest data received by the department pursuant to subsection a. of this section no later than 12 months after the end of both the state of emergency and public health emergency declared in response to the coronavirus disease 2019 pandemic.

c. Nothing in this section shall be construed to require disclosure of any private health information or personal identifying information in violation of any State or federal law, including the federal "Health Insurance Portability and Accountability Act of 1996," Pub.L.104-191 and any regulations promulgated thereunder by the Secretary of the U.S. Department of Health and Human Services.

2. This act shall take effect immediately and shall expire one month after issuance of the report required pursuant to subsection b. of section 1 of this act.

Approved February 4, 2021.

CHAPTER 6

AN ACT concerning municipal master plans, amending P.L.1975, c.291, and supplementing Title 13 of the Revised Statutes.

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

1. Section 19 of P.L.1975, c.291 (C.40:55D-28) is amended to read as follows:

C.40:55D-28 Preparation; contents; modification.

19. Preparation; contents; modification.

a. The planning board may prepare and, after public hearing, adopt or amend a master plan or component parts thereof, to guide the use of lands within the municipality in a manner which protects public health and safety and promotes the general welfare.

b. The master plan shall generally comprise a report or statement and land use and development proposals, with maps, diagrams and text, presenting, at least the following elements (1) and (2) and, where appropriate, the following elements (3) through (17):

(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 (17) hereof and natural conditions, including, but not necessarily limited to, topography, soil conditions, water supply, drainage, flood plain areas, marshes, and woodlands;

(b) showing the existing and proposed location, extent and intensity of development of land to be used in the future for varying types of residential, commercial, industrial, agricultural, recreational, open space, educational and other public and private purposes or combination of purposes including any provisions for cluster development; and stating the relationship thereof to the existing and any proposed zone plan and zoning ordinance;

(c) showing the existing and proposed location of any airports and the boundaries of any airport safety zones delineated pursuant to the "Air Safety and Zoning Act of 1983," P.L.1983, c.260 (C.6:1-80 et al.);

(d) including a statement of the standards of population density and development intensity recommended for the municipality;

(e) showing the existing and proposed location of military facilities and incorporating strategies to minimize undue encroachment upon, and conflicts with, military facilities, including but not limited to: limiting heights of buildings and structures nearby flight paths or sight lines of aircraft; buffering residential areas from noise associated with a military facility; and allowing for the potential expansion of military facilities;

(f) including, for any land use plan element adopted after the effective date of P.L.2017, c.275, a statement of strategy concerning:

(i) smart growth which, in part, shall consider potential locations for the installation of electric vehicle charging stations,

(ii) storm resiliency with respect to energy supply, flood-prone areas, and environmental infrastructure, and

(iii) environmental sustainability;

(g) showing the existing and proposed location of public electric vehicle charging infrastructure; and

(h) including, for any land use plan element adopted after the effective date of P.L.2021, c.6, a climate change-related hazard vulnerability assessment which shall (i) analyze current and future threats to, and vulnerabilities of, the municipality associated with climate change-related natural hazards, including, but not limited to increased temperatures, drought, flooding, hurricanes, and sea-level rise; (ii) include a build-out analysis of future residential, commercial, industrial, and other development in the municipality, and an assessment of the threats and vulnerabilities identified in subparagraph (i) of this subparagraph related to that development; (iii) identify critical facilities, utilities, roadways, and other infrastructure that is necessary for evacuation purposes and for sustaining quality of life during a natural disaster, to be maintained at all times in an operational state; (iv) analyze the potential impact of natural hazards on relevant components and elements of the master plan; (v) provide strategies and design standards that may be implemented to reduce or avoid risks associated with natural hazards; (vi) include a specific policy statement on the consistency, coordination, and integration of the climate-change related hazard vulnerability assessment with any existing or proposed natural hazard mitigation plan, floodplain management plan, comprehensive emergency management plan, emergency response plan, post-disaster recovery plan, or capital improvement plan; and (vii) rely on the most recent natural hazard projections and best available science provided by the New Jersey Department of Environmental Protection;

(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, the types, locations, conditions and availability of existing and proposed transportation facilities, including air, water, road and rail, and identifying existing and proposed locations for public electric vehicle charging infrastructure;

(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);

(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, encourage and promote the development of public electric vehicle charging infrastructure in locations appropriate for their development, including but not limited to, commercial districts, areas proximate to public transportation and transit facilities and transportation corridors, and public rest stops; 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; and

(17) A public access plan element that provides for, encourages, and promotes permanently protected public access to all tidal waters and adjacent shorelines consistent with the public trust doctrine, and which shall include a map and inventory of public access points, public facilities that support access, parking, boat ramps, and marinas; an assessment of the need for additional public access; a statement of goals and administrative mechanisms to ensure that access will be permanently protected; and a strategy that describes the forms of access to satisfy the need for such access with an implementation schedule and tools for implementation.

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).

C.40:55D-28.1 Provision of technical assistance.

2. Upon request by a planning board, the Department of Environmental Protection shall provide technical assistance, as practicable, to a municipality preparing a climate change related hazard vulnerability assessment pursuant to subparagraph (h) of paragraph (2) of subsection b. of section 19 of P.L.1975, c.291 (C.40:55D-28).

3. This act shall take effect immediately.

Approved February 4, 2021.

CHAPTER 7

AN ACT concerning civil service law enforcement examination requirement for entry-level law enforcement officers, and supplementing Title 11A of the New Jersey Statutes.

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

C.11A:4-1.3 Certain entry-level law enforcement applicants, exemption from examination requirement.

1. a. The Civil Service Commission shall exempt from the requirement to take an examination for an entry-level law enforcement position a person who has successfully completed a full Basic Course for Police Officers training course at a school approved and authorized by the New Jersey Police Training commission.

b. The Civil Service Commission shall promulgate, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations and establish administrative processes that are reasonable, necessary, and consistent with the provisions of this act.

c. A municipal or county police department may hire a person, exempt from the requirement to take an examination for an entry-level law enforcement position pursuant to subsection a. of this section, upon adoption of an ordinance or resolution by the governing body authorizing such hiring by the police department and the adoption of a conflict of interest and nepotism policy.

2. This act shall take effect six months following enactment, except the Civil Service Commission may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act.

Approved February 4, 2021.

CHAPTER 8

AN ACT appropriating \$30,387,000 from constitutionally dedicated corporation business tax revenues 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 to the Department of Environmental Protection the sum of \$27,348,300 from dedicated corporation business tax revenues pursuant to Article VIII, Section II, paragraph 6 of the State Constitution in the "Preserve New Jersey Green Acres Fund," established pursuant to section 6 of the "Preserve New Jersey Act," P.L.2016, c.12 (C.13:8C-48), for the acquisition of lands by the State for recreation and conservation purposes in accordance with the provisions of the "Preserve New Jersey Act," P.L.2016, c.12 (C.13:8C-43 et seq.).

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

Project	County	Municipality	Amount
(1) CAPE MAY PENINSULA	Cape May	Cape May City Cape May Point Boro Dennis Twp Lower Twp Middle Twp Ocean City Sea Isle City Upper Twp West Cape May Boro Woodbine Boro	\$5,500,000
(2) CROSSROADS OF THE AMERICAN REVOLUTION	Bergen	Bogota Boro Carlstadt Boro East Rutherford Boro Fort Lee Boro Garfield City Hackensack City Hasbrouck Heights Boro Leonida Boro Little Ferry Boro Lodi Boro Lyndhurst Twp Maywood Boro Moonachie Boro New Milford Boro North Arlington Boro	3,000,000

	Palisades Park Boro
	Ridgefield Park Village
	River Edge Boro
	Rochelle Park Twp
	Rutherford Boro
	South Hackensack Twp
	Teterboro Boro
	Wallington Boro
	Wood-Ridge Boro
Burlington	Beverly City
	Bordentown City
	Bordentown Twp
	Burlington City
	Burlington Twp
	Edgewater Park Twp
	Fieldsboro Boro
	Florence Twp
	Hainesport Twp
	Mansfield Twp
	Maple Shade Twp
	Moorestown Twp
	Mount Holly Twp
	Mount Laurel Twp
	Palmyra Boro
	Riverside Twp
	Riverton Boro
	Springfield Twp
	Westampton Twp
	Willingboro Twp
Camden	Audubon Boro
	Audubon Park Boro
	Brooklawn Boro
	Camden City
	Cherry Hill Twp
	Collingswood Boro
	Gloucester City
	Haddon Heights Boro
	Haddon Twp
	Haddonfield Boro
	Merchantville Boro
	Mount Ephraim Boro
	Oaklyn Boro
	Pennsauken Twp
	Woodlynne Boro

Essex	Belleville Twp
	Irvington Twp
	Livingston Twp
	Maplewood Twp
	Millburn Twp
	Newark City
	Nutley Twp
Gloucester	National Park Boro
	West Deptford Twp
	Westville Boro
Hunterdon	Delaware Twp
	East Amwell Twp
	Flemington Boro
	Franklin Twp
	Frenchtown Boro
	Kingwood Twp
	Lambertville City
	Raritan Twp
	Readington Twp
	Stockton Boro
	West Amwell Twp
Mercer	All municipalities
Middlesex	All municipalities
Monmouth	Aberdeen Twp
	Allentown Boro
	Colts Neck Twp
	Englishtown Boro
	Freehold Boro
	Freehold Twp
	Holmdel Twp
	Manalapan Twp
	Marlboro Twp
	Matawan Boro
	Millstone Twp
	Roosevelt Boro
	Upper Freehold Twp
	Wall Twp
Morris	Boonton Town
	Boonton Twp
	Butler Boro
	Chatham Boro
	Chatham Twp
	Chester Boro
	Denville Twp

	Dover Town	
	East Hanover Twp	
	Florham Park Boro	
	Hanover Twp	
	Harding Twp	
	Kinnelon Boro	
	Lincoln Park Boro	
	Long Hill Twp	
	Madison Boro	
	Mendham Boro	
	Mendham Twp	
	Mine Hill Twp	
	Montville Twp	
	Morris Plains Boro	
	Morris Twp	
	Morristown Town	
	Mountain Lakes Boro	
	Parsippany-Troy Hills Twp	
	Pequannock Twp	
	Randolph Twp	
	Riverdale Boro	
	Rockaway Boro	
	Rockaway Twp	
	Victory Gardens Boro	
	Wharton Boro	
Passaic	Clifton City	
	Passaic City	
Somerset	All municipalities	
Union	All municipalities	
(3) DELAWARE AND RARITAN CANAL GREENWAY		1,000,000
Hunterdon	Delaware Twp	
	Kingwood Twp	
	Lambertville City	
	Stockton Boro	
	West Amwell Twp	
Mercer	Ewing Twp	
	Hamilton Twp	
	Hopewell Twp	
	Lawrence Twp	
	Princeton Boro	
	Trenton City	
Middlesex	New Brunswick City	
	Plainsboro Twp	

	Somerset	South Brunswick Twp Franklin Twp	
(4) DELAWARE BAY WATERSHED GREENWAY			3,000,000
	Atlantic	Buena Boro Buena Vista Twp	
	Cape May	Dennis Twp Lower Twp Middle Twp Upper Twp	
	Cumberland	All municipalities	
	Gloucester	Clayton Boro Elk Twp Franklin Twp Glassboro Boro Monroe Twp Newfield Boro	
	Salem	Alloway Twp Carneys Point Twp Elmer Boro Elsinboro Twp Lower Alloways Creek Twp Mannington Twp Oldmans Twp Pennsville Twp Pilesgrove Twp Pittsgrove Twp Quinton Twp Upper Pittsgrove Twp Woodstown Boro	
(5) DELAWARE RIVER WATERSHED GREENWAY			1,500,000
	Burlington	Bordentown City Bordentown Twp Chesterfield Twp Cinnaminson Twp Delanco Twp Delran Twp Eastampton Twp Hainesport Twp Lumberton Twp Mansfield Twp Medford Twp Moorestown Twp	

	Mount Holly Twp
	Mount Laurel Twp
	North Hanover Twp
	Pemberton Twp
	Riverside Twp
	Southampton Twp
	Springfield Twp
	Westampton Twp
	Willingboro Twp
Camden	Berlin Twp
	Camden City
	Clementon Boro
	Gibbsboro Boro
	Gloucester Twp
	Haddon Twp
	Lindenwold Boro
	Pine Hill Boro
	Voorhees Twp
Gloucester	Deptford Twp
	East Greenwich Twp
	Elk Twp
	Greenwich Twp
	Harrison Twp
	Logan Twp
	National Park Boro
	South Harrison Twp
	Westville Boro
	Woolwich Twp
	West Deptford Twp
Hunterdon	Alexandria Twp
	Delaware Twp
	Frenchtown Boro
	Kingwood Twp
	Lambertville City
	Stockton Boro
	West Amwell Twp
Mercer	Ewing Twp
	Hamilton Twp
	Hopewell Twp
	Robbinsville Twp
	Trenton City
Monmouth	Allentown Boro
	Millstone Twp
	Upper Freehold Twp

Ocean	Jackson Twp	
	Plumsted Twp	
Salem	Oldmans Twp	
	Pilesgrove Twp	
	Upper Pittsgrove Twp	
(6) HIGHLANDS GREENWAY		3,348,300
Bergen	Mahwah Twp	
	Oakland Boro	
Hunterdon	Alexandria Twp	
	Bethlehem Twp	
	Bloomsbury Boro	
	Califon Boro	
	Clinton Town	
	Clinton Twp	
	Glen Gardner Boro	
	Hampton Boro	
	High Bridge Boro	
	Holland Twp	
	Lebanon Boro	
	Lebanon Twp	
	Milford Boro	
	Tewksbury Twp	
	Union Twp	
Morris	Boonton Town	
	Boonton Twp	
	Butler Boro	
	Chester Boro	
	Chester Twp	
	Denville Twp	
	Dover Town	
	Hanover Twp	
	Harding Twp	
	Jefferson Twp	
	Kinnelon Boro	
	Mendham Boro	
	Mendham Twp	
	Mine Hill Twp	
	Montville Twp	
	Morris Plains Boro	
	Morris Twp	
	Morristown Town	
	Mount Arlington Boro	
	Mount Olive Twp	

	Mountain Lakes Boro
	Netcong Boro
	Parsippany-Troy Hills Twp
	Pequannock Twp
	Randolph Twp
	Riverdale Boro
	Rockaway Boro
	Rockaway Twp
	Roxbury Twp
	Victory Gardens Boro
	Washington Twp
	Wharton Boro
Passaic	Bloomingdale Boro
	Pompton Lakes Boro
	Ringwood Boro
	Wanaque Boro
	West Milford Twp
Somerset	Bedminster Twp
	Bernards Twp
	Bernardsville Boro
	Far Hills Boro
	Peapack-Gladstone Boro
Sussex	Byram Twp
	Franklin Boro
	Green Twp
	Hamburg Boro
	Hardyston Twp
	Hopatcong Boro
	Ogdensburg Boro
	Sparta Twp
	Stanhope Boro
	Vernon Twp
Warren	Allamuchy Twp
	Alpha Boro
	Belvidere Town
	Franklin Twp
	Frelinghuysen Twp
	Greenwich Twp
	Hackettstown Town
	Harmony Twp
	Hope Twp
	Independence Twp
	Liberty Twp
	Lopatcong Twp

		Mansfield Twp	
		Oxford Twp	
		Phillipsburg Town	
		Pohatcong Twp	
		Washington Boro	
		Washington Twp	
		White Twp	
(7) HISTORIC RESOURCES			2,000,000
<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	
	Monmouth	Red Bank Boro	
<i>Monmouth Battlefield</i>	Monmouth	Freehold Twp	
		Manalapan Twp	
<i>New Bridge Landing</i>	Bergen	New Milford Boro	
		River Edge Boro	
<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	
(8) PINELANDS			3,000,000
	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	Barneгат Twp
	Beachwood Boro
	Berkeley Twp
	Eagleswood Twp
	Jackson Twp

		Lacey Twp	
		Lakehurst Boro	
		Little Egg Harbor Twp	
		Manchester Twp	
		Ocean Twp	
		Plumsted Twp	
		South Toms River Boro	
		Stafford Twp	
		Toms River Twp	
		Tuckerton Boro	
(9) RIDGE AND VALLEY GREENWAY			5,000,000
	Sussex	Andover Boro	
		Andover Twp	
		Branchville Boro	
		Frankford Twp	
		Fredon Twp	
		Green Twp	
		Hampton Twp	
		Lafayette Twp	
		Montague Twp	
		Newton Town	
		Sandyston Twp	
		Stillwater Twp	
		Sussex Boro	
		Walpack Twp	
		Wantage Twp	
	Warren	Blairstown Twp	
		Frelinghuysen Twp	
		Hackettstown Town	
		Hardwick Twp	
		Hope Twp	
		Knowlton Twp	
		Liberty Twp	
TOTAL			\$27,348,300

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, the Garden State

Green Acres Preservation Trust Fund, established pursuant to the “Garden State Preservation Trust Act,” P.L.1999, c.152 (C.13:8C-1 et seq.), or the “Preserve New Jersey Green Acres Fund,” established pursuant to section 6 of the “Preserve New Jersey Act,” P.L.2016, c.12 (C.13:8C-48), for recreation and conservation purposes shall be eligible to receive additional funding, as determined by the Department of Environmental Protection, subject to the approval of the Joint Budget Oversight Committee or its successor.

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

2. a. There is appropriated to the Department of Environmental Protection the sum of \$3,038,700 from dedicated corporation business tax revenues pursuant to Article VIII, Section II, paragraph 6 of the State Constitution in the “Preserve New Jersey Green Acres Fund,” established pursuant to section 6 of the “Preserve New Jersey Act,” P.L.2016, c.12 (C.13:8C-48), for the acquisition, for recreation and conservation purposes, of lands throughout the State that have been damaged by, or may be prone to incurring damage caused by, storms or storm-related flooding, or that may buffer or protect other lands from such damage.

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

Project	County	Municipality	Amount
BLUE ACRES			\$3,038,700
	Every county	Every municipality	
TOTAL			\$3,038,700

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

3. a. There is reappropriated to the Department of Environmental Protection the unexpended balances, due to project cancellations or cost savings, of the amounts appropriated or reappropriated from this act, any Green Acres bond act, any annual appropriations act, the Garden State Green Acres Preservation Trust Fund, established pursuant to the “Garden State Preservation Trust Act,” P.L.1999, c.152 (C.13:8C-1 et seq.), or the “Preserve New Jersey Green Acres Fund,” established pursuant to section 6 of the “Preserve New Jersey Act,” P.L.2016, c.12 (C.13:8C-48), for State projects to acquire or develop lands for recreation and conservation purposes, for the purpose of

providing additional funding, as determined by the Department of Environmental Protection, to any State project that previously received funding appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, the Garden State Green Acres Preservation Trust Fund, or the "Preserve New Jersey Green Acres Fund" for recreation and conservation purposes or that receives funding approved pursuant to section 1 of this act, subject to the approval of the Joint Budget Oversight Committee or its successor. Any such additional funding provided from a Green Acres bond act may include administrative costs.

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

4. There is appropriated from the General Fund to the "Preserve New Jersey Green Acres Fund," established pursuant to section 6 of the "Preserve New Jersey Act," P.L.2016, c.12 (C.13:8C-48), the sum of \$30,387,000 to implement the provisions of this act.

5. This act shall take effect immediately.

Approved February 4, 2021.

CHAPTER 9

AN ACT concerning psilocybin and amending N.J.S.2C:35-10.

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

1. N.J.S.2C:35-10 is amended to read as follows:

Possession, use or being under the influence, or failure to make lawful disposition.

2C:35-10. Possession, Use or Being Under the Influence, or Failure to Make Lawful Disposition.

a. It is unlawful for any person, knowingly or purposely, to obtain, or to possess, actually or constructively, a controlled dangerous substance or controlled substance analog, unless the substance was obtained directly, or pursuant to a valid prescription or order form from a practitioner, while act-

ing in the course of his professional practice, or except as otherwise authorized by P.L.1970, c.226 (C.24:21-1 et seq.). Any person who violates this section with respect to:

(1) A controlled dangerous substance, or its analog, classified in Schedule I, II, III or IV other than those specifically covered in this section, is guilty of a crime of the third degree except that, notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a fine of up to \$35,000.00 may be imposed;

(2) Any controlled dangerous substance, or its analog, classified in Schedule V, is guilty of a crime of the fourth degree except that, notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a fine of up to \$15,000.00 may be imposed;

(3) Possession of more than 50 grams of marijuana, including any adulterants or dilutants, or more than five grams of hashish is guilty of a crime of the fourth degree, except that, notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a fine of up to \$25,000.00 may be imposed;

(4) Possession of 50 grams or less of marijuana, including any adulterants or dilutants, or five grams or less of hashish is a disorderly person; or

(5) Possession of one ounce or less of psilocybin is a disorderly persons offense.

Any person who commits any offense defined in this section while on any property used for school purposes which is owned by or leased to any elementary or secondary school or school board, or within 1,000 feet of any such school property or a school bus, or while on any school bus, and who is not sentenced to a term of imprisonment, shall, in addition to any other sentence which the court may impose, be required to perform not less than 100 hours of community service.

b. Any person who uses or who is under the influence of any controlled dangerous substance, or its analog, for a purpose other than the treatment of sickness or injury as lawfully prescribed or administered by a physician is a disorderly person.

In a prosecution under this subsection, it shall not be necessary for the State to prove that the accused did use or was under the influence of any specific drug, but it shall be sufficient for a conviction under this subsection for the State to prove that the accused did use or was under the influence of some controlled dangerous substance, counterfeit controlled dangerous substance, or controlled substance analog, by proving that the accused did manifest physical and physiological symptoms or reactions caused by the use of any controlled dangerous substance or controlled substance analog.

c. Any person who knowingly obtains or possesses a controlled dangerous substance or controlled substance analog in violation of subsection a.

of this section and who fails to voluntarily deliver the substance to the nearest law enforcement officer is guilty of a disorderly persons offense. Nothing in this subsection shall be construed to preclude a prosecution or conviction for any other offense defined in this title or any other statute.

2. This act shall take effect immediately.

Approved February 4, 2021.

CHAPTER 10

AN ACT authorizing the State Treasurer to sell certain surplus real property and improvements thereon owned by the State in the Town of Secaucus, County of Hudson.

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

1. a. The Department of the Treasury is authorized to sell and convey, as surplus real property, all of the State's right, title, and interest in and to the property formerly known as The Secaucus Regional Day School, which contains 3.36+- acres of land and improvements thereon, located at Block 225, Lot 10 in the Town of Secaucus, County of Hudson. The property shall be sold and conveyed to the Town of Secaucus for the sum of \$1,800,000, based on an appraisal for the negotiated sale price.

b. The sale and conveyance authorized by subsection a. of this section shall be executed in accordance with the terms and conditions approved by the State House Commission.

2. This act shall take effect immediately.

Approved February 4, 2021.

CHAPTER 11

AN ACT authorizing the State Treasurer to sell certain surplus real property and improvements thereon owned by the State in the Borough of Franklin, County of Sussex.

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

1. a. The Department of the Treasury is authorized to sell and convey, as surplus real property, all of the State's right, title, and interest in and to the property formerly known as the Franklin Armory, which contains 10.446 +- acres of land and improvements thereon, located at Block 2401, Lot 20 in the Borough of Franklin, County of Sussex. The property shall be sold and conveyed to the 12 Munsonhurst LLC, the highest bidder at an Internet auction, for the sum of \$930,000.

b. The sale and conveyance authorized by subsection a. of this section shall be executed in accordance with the terms and conditions approved by the State House Commission.

2. This act shall take effect immediately.

Approved February 4, 2021.

CHAPTER 12

AN ACT appropriating \$11,777,499 from constitutionally dedicated corporation business tax revenues for the purpose of providing grants, as awarded by the New Jersey Historic Trust, for certain historic preservation projects and associated administrative expenses.

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

1. a. There is appropriated to the New Jersey Historic Trust the sum of \$10,777,499 from dedicated corporation business tax revenues pursuant to Article VIII, Section II, paragraph 6 of the State Constitution in the "Preserve New Jersey Historic Preservation Fund," established pursuant to section 9 of the "Preserve New Jersey Act," P.L.2016, c.12 (C.13:8C-51), for the purpose of providing capital preservation grants as listed in subsection b. of this section and historic site management grants as listed in subsection c. of this section as awarded by the New Jersey Historic Trust, for historic preservation projects approved as eligible for such funding.

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

County	Municipality	Name of Organization	Project Name	Grant Award
Atlantic	Atlantic City	NJ State Park Service	Absecon Lighthouse	\$88,560
Atlantic	Margate City	Save Lucy Committee, Inc.	Lucy, the Margate Elephant	673,668
Burlington	Fieldsboro Boro	Borough of Fieldsboro	White Hill Mansion	24,000
Burlington	Mt. Holly Twp	Burlington County	Burlington County Prison	526,500
Camden	Camden City	Home Port Alliance for the USS New Jersey, Inc.	USS New Jersey	500,000
Cape May	Cape May City	Cape May MAC	Emlen Physick Estate	81,620
Essex	Newark City	Newark Performing Arts Corp.	Salaam Temple (Symphony Hall)	750,000
Essex	West Orange Twp	Llewellyn Park Preservation Foundation, Inc.	Llewellyn Park Historic District	150,000
Hudson	Jersey City	Save Ellis Island Inc.	Statue of Liberty National Monument, Ellis Island & Liberty Island	560,422
Mercer	Hopewell Boro	Borough of Hopewell	Hopewell Railroad Station	249,907
Monmouth	West Long Branch Boro	Monmouth University	Shadow Lawn	750,000
Morris	Boonton Town	Town of Boonton	Stone Arch Bridge	320,000
Morris	Morristown Town	Morris County Park Commission	Speedwell Village	115,000
Morris	Roxbury Twp	Lake Hopatcong Foundation	Landing Railroad Station	\$254,879
Morris	Roxbury Twp	Roxbury Historic Trust, Inc.	King Store and Homestead	177,127
Ocean	Barneget Twp	Ocean County Board of Chosen Freeholders	Mary Etta Cox House	750,000
Passaic	Clifton City	City of Clifton	US Animal Quarantine Station	300,750
Passaic	Paterson City	County of Passaic	Passaic County Regrant Program	500,000
Passaic	Paterson City	New Jersey Community Development Corporation	First Presbyterian Church of Paterson	750,000
Passaic	Ringwood Boro	NJ State Park Service	Ringwood Manor	550,000

Salem	Salem City	Stand Up For Salem	Broadway Historic District (J.C. Penney)	630,000
Somerset	Warren Twp	Township of Warren	Mount Bethel Baptist Meeting	218,495
Union	Scotch Plains Twp	Fanwood-Scotch Plains Rotary Frazee House Inc.	Elizabeth and Gershom Frazee House	337,161
Warren	Franklin Twp	Musconetcong Watershed Assoc.	Hoffman Grist Mill	525,000
TOTAL				\$9,783,089

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

County	Municipality	Name of Organization	Project Name	Grant Award
Bergen	Englewood City	Woman's Club of Englewood	Brinckerhoff Carriage House	\$39,600
Bergen	Fair Lawn Boro	The Radburn Association	Radburn	42,255
Bergen	Fort Lee Boro	Palisades Parks Conservancy	Palisades Interstate Park	50,000
Camden	Camden City	City of Camden	Camden City Hall	50,000
Camden	Camden City	Newton Monthly Meeting	Newton Friends Meetinghouse	21,390
Cumberland	Vineland City	Siloam Cemetery Association	Siloam Cemetery	30,000
Cumberland	Vineland City	Vineland Historical and Antiquarian Society	Vineland Historical and Antiquarian Society Building	20,790
Essex	Montclair Twp	Montclair History Center	Israel Crane House	45,150
Hunterdon	High Bridge Boro	Borough of High Bridge	Solitude House	25,500
Mercer	Hopewell Twp	Mercer County Park Commission	Pleasant Valley Historic District	46,937
Mercer	Trenton City	City of Trenton	Mercer Cemetery	50,000
Mercer	Trenton City	First Presbyterian Church of Trenton	First Presbyterian Church	44,482
Mercer	Trenton City	New Jersey Historic Trust	Discover New Jersey License Plate Program	50,000
Mercer	Trenton City	Trent House Association	William Trent House	42,360
Middlesex	Jamesburg Boro	Borough of Jamesburg	Ensley-Mount-Buckalew House	48,750
Middlesex	Metuchen Boro	Borough of Metuchen	Middlesex Avenue/Woodwild Park Historic District	15,000
Middlesex	New Brunswick City	Rutgers University	Queen's Campus	22,275

Monmouth	Middletown Twp	Navesink Maritime Heritage Association	Grover House	22,291
Monmouth	Rumson Boro	SLTCC Landmark Friends, Inc.	Seabright Lawn Tennis and Cricket Club	17,738
Morris	Denville Twp	Ayres/Knuth Farm Foundation, Inc.	Ayres' Farm (Ayres Knuth Farmstead)	29,738
Morris	Madison Boro	Museum of Early Trades and Crafts	Madison Public Library and the James Building	50,000
Morris	Mendham Boro	Borough of Mendham	Phoenix House	12,000
Morris	Morristown Twp	Morris Museum	Twin Oaks (Peter H.B. Frelinghuysen Residence)	30,180
Passaic	Paterson City	City of Paterson	Great Falls / S.U.M Historic District (ATP Site)	50,000
Passaic	Wayne Twp	County of Passaic	Dey Mansion	19,443
Somerset	Franklin Twp	NJ State Park Service	Six Mile Run Historic District	23,531
Somerset	Montgomery Twp	Stoutsburg Sourland African American Museum	Mount Zion African Methodist Episcopal (AME) Church	50,000
Union	Plainfield City	Jerusalem Lodge No. 26 F & AM	Plainfield Masonic Temple	45,000
TOTAL				\$994,410

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

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

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

2. There is appropriated to the New Jersey Historic Trust from the “Preserve New Jersey Historic Preservation Fund,” established pursuant to section 9 of the “Preserve New Jersey Act,” P.L.2016, c.12 (C.13:8C-51), the sum of \$1,000,000 for paying administrative costs associated with administering the applicable provisions of P.L.2016, c.12 (C.13:8C-43 et seq.).

3. There is appropriated from the General Fund to the “Preserve New Jersey Historic Preservation Fund,” established pursuant to section 9 of the “Preserve New Jersey Act,” P.L.2016, c.12 (C.13:8C-51), the sum of \$11,777,499 to implement the provisions of this act.

4. This act shall take effect immediately.

Approved February 4, 2021.

CHAPTER 13

AN ACT appropriating \$37,160,000 from constitutionally dedicated corporation business tax revenues for the development of lands by the State for recreation and conservation purposes.

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

1. a. There is appropriated the sum of \$37,160,000 from dedicated corporation business tax revenues pursuant to Article VIII, Section II, paragraph 6 of the State Constitution in the “Preserve New Jersey Green Acres Fund,” established pursuant to section 6 of the “Preserve New Jersey Act,” P.L.2016, c.12 (C.13:8C-4s8), to the Department of Environmental Protection for the development of lands by the State for recreation and conservation purposes in accordance with the provisions of the “Preserve New Jersey Act,” P.L.2016, c.12 (C.13:8C-43 et seq.).

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

Project	Amount
BOATING & FISHING ACCESS	
Access Facilities	\$750,000

CAMPING DEVELOPMENT

Camping, Cabin/Shelter Program	1,500,000
Sanitary Facilities	1,500,000

HABITAT IMPROVEMENTS & ACCESS

Habitat Improvements & Access	750,000
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INFRASTRUCTURE

Bridge Repairs	250,000
Building Repairs and Renovations	2,000,000
Dam Inspections, Repairs, Removals	1,000,000
Health and Life Safety Projects	3,000,000
Historic Structure Stabilization and Repairs	5,500,000
Recreational Development	14,000,000
Road Repairs	1,000,000

IN-HOUSE PROJECTS	500,000
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PALISADES INTERSTATE PARK COMMISSION	650,000
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OTHER

Contingency Fund for Repairs	2,902,000
Administration	1,858,000

TOTAL	\$37,160,000
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c. Notwithstanding the provisions of subsection e. of section 6 of P.L.2016, c.12 (C.13:8C-48) or any other law to the contrary, the expenditure of funds pursuant to this section shall not require the approval of the Joint Budget Oversight Committee, or its successor. The department may reallocate funds among the projects identified in subsection b. of this section, subject to the approval of the Director of the Division of Budget and Accounting in the Department of the Treasury. The department shall send written notification of any such reallocation of funds to the President of the Senate, the Speaker of the General Assembly, the Legislative Budget and Finance Officer, the Joint Budget Oversight Committee, or its successor, and the Chairs of the Senate Environment and Energy Committee and Assembly Environment and Solid Waste Committee, or their respective successor committees.

2. There is appropriated from the General Fund to the "Preserve New Jersey Green Acres Fund," established pursuant to section 6 of the "Preserve

New Jersey Act,” P.L.2016, c.12 (C.13:8C-48), the sum of \$37,160,000 to implement the provisions of section 1 of this act.

3. This act shall take effect immediately.

Approved February 4, 2021.

CHAPTER 14

AN ACT authorizing the State Treasurer to sell certain surplus real property owned by the State in the Township of Mahwah, County of Bergen.

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

1. a. The Department of the Treasury is authorized to sell and convey, as surplus real property, all of the State’s right, title, and interest in property, which contains 18.60+- acres of vacant land including wetlands separated from the campus of Ramapo College of New Jersey by an extension of Route 287, located at Block 135, Lot 62 in the Township of Mahwah, County of Bergen.

The property shall be sold and conveyed to Ramapo College of New Jersey as a direct sale for the sum of \$1.00. As a condition of the sale, Ramapo College of New Jersey shall sell and convey the same property directly to CF MARMOSSET TEB, a limited liability company of Delaware, for the sum of \$1,325,000. All proceeds from the sale and conveyance by Ramapo College of New Jersey shall be paid, promptly after the sale and conveyance, to the State, less any transaction fees, including but not limited to legal fees and survey costs, expended by Ramapo College of New Jersey for the sale and conveyance.

b. The sale and conveyance authorized by subsection a. of this section shall be executed in accordance with the terms and conditions approved by the State House Commission.

2. This act shall take effect immediately.

Approved February 4, 2021.

CHAPTER 15

AN ACT creating opportunities for restaurants, bars, distilleries, and breweries to adjust operations in response to the COVID-19 public health emergency through expanded outdoor dining; and by permitting certain sales at seasonal farm markets, and supplementing Title 33 of the Revised Statutes.

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

1. As used in this act, P.L.2021, c.15, and only for the purposes of this act: "Brewery" means a brewery operating under a brewery license pursuant to R.S.33:1-10.

"Distillery" means a distillery that has been issued, and is in compliance with, a distillery license pursuant to R.S.33:1-10.

"Food" means food that is cooked, prepared, sold, served, and consumed on the business premises.

"Outdoor space" means a patio or deck, whether covered or uncovered, a yard, a walkway, or a parking lot, or a portion of any such space, that is located on or adjacent to the business premises, which space is owned, leased, or otherwise in the lawful control of the owner or operator of the business premises.

"Public sidewalk" means a sidewalk on the locally or county owned public right-of-way which is adjacent to the business premises, or a portion thereof.

"Special Ruling No. 2020-10" means Special Ruling No. 2020-10, issued by the acting director of the Division of Alcoholic Beverage Control on June 3, 2020.

2. a. Notwithstanding the provisions of any law to the contrary, during the period that this section is in effect, the owner or operator of a restaurant, bar, distillery, or brewery may use outdoor spaces which they own or lease and which are located either on, or adjacent to, their business premises, as an extension of their business premises for the purpose of conducting sales of food and beverages.

b. The owner or operator of a restaurant, bar, distillery, or brewery desiring to utilize outdoor spaces as an extension of their businesses shall file an application with the municipal zoning officer that includes: (1) a plan, sketch, picture, or drawing that depicts the design, dimensional boundaries, and placement of tents, canopies, umbrellas, tables, chairs, and other fixtures of the outdoor spaces; and (2) a plan for the control of litter, the removal and storage of garbage, and the cleaning of fixtures and grounds. If a business premises' parking lot is

used for the service and sale of either food or beverages, or both, the restaurant, bar, distillery, or brewery shall not encumber more than 75 percent of the lot's total parking spaces for such service and sale, unless the parking lot contains less than eight parking spaces, and shall maintain at least one handicapped parking space in the parking lot.

c. A municipality may require that an applicant provide one or more of the following: (1) written consent of the owner of the premises, if other than the applicant, (2) an insurance certificate naming the municipality as an additional insured, with general liability on an occurrence with a limit of liability of at least \$1,000,000, with respect to losses arising solely from the operation of the outdoor dining facility, or (3) an indemnification agreement with the municipality with respect to losses arising solely from the operation of the outdoor dining facility.

d. (1) The zoning officer shall issue an approval to the applicant within 15 business days of the application being submitted and deemed complete provided that the applicant meets and abides by all qualifications and requirements of this act, with the exception that the zoning officer may deny an application based on current violations of any other health, safety, fire, permitted use, or zoning regulation, or upon any applicable law permitting the denial of a zoning permit, that is not otherwise directly superseded by this section or Special Ruling No. 2020-10. An application under this section shall not be considered a variance under the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.).

(2) A municipality may deny, revoke, or temporarily suspend the permit of any applicant or permittee that violates, or is not in compliance with, any provision of this act or any provision of a law, ordinance, or regulation related to health, safety, fire, permitted use, zoning, or the consumption or control of alcoholic beverages not otherwise under the jurisdiction of the Division of Alcoholic Beverage Control, and may also deny, revoke, or temporarily suspend the permit of any applicant or permittee based on any action taken against the applicant or permittee by the Division of Alcoholic Beverage Control related to the division's enforcement of any law or regulation related to the consumption or control of alcoholic beverages under its jurisdiction.

(3) An appeal to any approval, denial, revocation, or suspension may be filed through the municipal clerk with the governing body of the municipality. The governing body, or its designee, shall conduct a hearing and render a decision within 30 days of the filing of the appeal. The governing body may designate a municipal official or an attorney licensed in the State of New Jersey to serve as a hearing officer in place of the governing body for the purpose of conducting said hearing and rendering said decision.

Nothing in this act shall be construed to restrict the right of any party to obtain a review by any court of competent jurisdiction, according to law.

e. A municipality shall require that any restaurant, bar, distillery, or brewery operating pursuant to this section shall follow, maintain, and enforce protocols promulgated by the Commissioner of Health or Executive Order of the Governor in response to the COVID-19 public health emergency, concerning social distancing and use of personal protective equipment during the period those protocols are in effect.

3. a. Notwithstanding the provisions of any law to the contrary, during the period that this section is in effect, the owners and operators of restaurants, bars, distilleries, and breweries may use public sidewalks as an extension of their business premises for the purpose of conducting sales of food and beverages.

b. The owner or operator of a restaurant, bar, distillery, or brewery desiring to utilize public sidewalks as an extension of their businesses shall file an application with the municipal zoning officer that includes: (1) a plan, sketch, picture, or drawing that depicts the design, dimensional boundaries, and placement of tents, canopies, umbrellas, tables, chairs, and other fixtures of the public sidewalks; and (2) a plan for the control of litter, the removal and storage of garbage, and the cleaning of fixtures and public sidewalks.

c. A municipality may require that an applicant provide one or more of the following: (1) written consent of the owner of the premises, if other than the applicant, (2) an insurance certificate naming the municipality as an additional insured, with general liability on an occurrence with a limit of liability of at least \$1,000,000, with respect to losses arising solely from the operation of the outdoor dining facility located on public sidewalks, or (3) an indemnification agreement with the municipality with respect to losses arising solely from the operation of the outdoor dining facility on public sidewalks.

d. (1) The zoning officer shall issue an approval to the applicant within 15 business days of the application being submitted and deemed complete provided that the applicant meets and abides by all qualifications and requirements of this act, with the exception that the zoning officer may deny an application based on current violations of any other health, safety, fire, permitted use, or zoning regulation, or upon any applicable law permitting the denial of a zoning permit that is not otherwise directly superseded by this section or Special Ruling No. 2020-10. An application under this section shall not be considered a variance under the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.).

(2) A municipality may deny, revoke, or temporarily suspend the permit of any applicant or permittee that violates, or is not in compliance with, any

provision of this act or any provision of a law, ordinance, or regulation related to health, safety, fire, permitted use, zoning, or to the consumption or control of alcoholic beverages not otherwise under the jurisdiction of the Division of Alcoholic Beverage Control, and may also deny, revoke, or temporarily suspend the permit of any applicant or permittee based on any action taken against the applicant or permittee by the Division of Alcoholic Beverage Control related to the division's enforcement of any law or regulation related to the consumption or control of alcoholic beverages under its jurisdiction.

(3) An appeal to any approval, denial, revocation, or suspension may be filed through the municipal clerk with the governing body of the municipality. The governing body, or its designee, shall conduct a hearing and render a decision within 30 days of the filing of the appeal. The governing body may designate a municipal official or an attorney licensed in the State of New Jersey to serve as a hearing officer in place of the governing body for the purpose of conducting said hearing and rendering said decision.

Nothing in this act shall be construed to restrict the right of any party to obtain a review by any court of competent jurisdiction, according to law.

e. Owners and operators of restaurants, bars, distilleries, or breweries desiring to utilize public sidewalks are subject to the following conditions: (1) a walking path not less than four feet wide must be maintained on the public sidewalk at all times so as to not obstruct pedestrian traffic; (2) all fixtures must be removed from public sidewalks at the conclusion of each day, if so required by the municipality; and (3) the municipality reserves the right to order the temporary suspension of outdoor dining and the removal of all fixtures from public sidewalks due to road or utility construction, predicted high winds or severe weather, predicted snow or ice storms, the need to remove snow or ice from the sidewalks, or any other public emergency that may arise.

f. Municipalities shall require that any restaurants, bars, distilleries, or breweries operating pursuant to this section shall follow, maintain, and enforce protocols promulgated by the Commissioner of Health or Executive Order of the Governor in response to the COVID-19 public health emergency, concerning social distancing and use of personal protective equipment during the period those protocols are in effect.

4. a. Notwithstanding the provisions of any other law to the contrary, the expiration date of any COVID-19 Expansion Permit issued by the Director of the Division of Alcoholic Beverage Control pursuant to the provisions of Special Ruling No. 2020-10 shall be November 30, 2022 or the date on which indoor dining resumes without capacity limitations pursuant to an executive order issued by the Governor, whichever is later.

b. The governing body of a municipality may file with the Division of Alcoholic Beverage Control an objection to the continued operation under subsection a. of this section by any licensee or permittee the governing body finds to have:

(1) failed to follow, maintain, and enforce protocols promulgated by the Commissioner of Health or by Executive Order of the Governor in response to the COVID-19 public health emergency concerning social distancing and the use of personal protective equipment; or

(2) violated any other health, safety, fire, permitted use, or zoning regulations or ordinances not otherwise directly superseded by this section or Special Ruling No. 2020-10.

Any decision rendered, or action taken, by the Director of the Division of Alcoholic Beverage Control as a result of an objection filed by the governing body of the municipality pursuant to this subsection shall be a final agency action subject to judicial review in the Appellate Division of the Superior Court of New Jersey in accordance with the Rules of Court.

c. Nothing in this act shall preclude or limit the authority provided to the Director of the Division of Alcoholic Beverage Control pursuant to the provisions of Title 33 of the Revised Statutes or the exercise of such authority thereby.

5. A public sidewalk or an outdoor space shall be considered a portion of the premises which is open to the public for the purposes of section 5 of P.L.1999, c.90 (C.2C:33-27).

6. a. Notwithstanding any provision of this act to the contrary, all other municipal ordinances pertaining to sanitation, property maintenance, noise, business days and hours of operation, and days and hours of service of alcoholic beverages shall apply, unless specifically suspended or modified by the municipality or specifically prohibited by the provisions of this section.

b. With respect to restaurants, bars, distilleries, and breweries operating in outdoor spaces pursuant to section 2 of this act, P.L.2021, c.15, municipalities shall not prohibit or limit the days and hours of the outdoor service of food and beverages, including alcoholic beverages, except that municipalities may prohibit or limit operations for the hours after 10:00 p.m. and between 12:00 a.m. and 11:00 a.m. on Sundays through Wednesdays, and between 12:00 a.m. and 11:00 a.m. on Thursdays through Saturdays, with the exception that a municipal ordinance prohibiting or limiting the days and hours of indoor service of food and beverages, including alcoholic beverages, which was in effect prior to March 1, 2020 may be applied to the outdoor service of food and beverages, including alcoholic beverages, as a condition

of the zoning approval pursuant to section 2 of this act, P.L.2021, c.15. This provision shall not be construed as overruling or prohibiting the authority of a city of the first class to impose more restrictive time restrictions or prohibit or limit the days and hours of the outdoor service of food and beverages due to increased positivity rate of COVID-19.

c. A municipality may either prohibit or limit the days and hours of any live performances, including musical performances, and the playing or projection of any content from a recording, streaming service or television, cable or internet broadcasting service in outdoor spaces or on public sidewalks as a condition of the zoning approval pursuant to sections 2 and 3 of this act, P.L.2021, c.15.

7. Nothing in this act shall be interpreted or construed as permitting or mandating the opening, expansion, or resumption of unlimited operations of a restaurant, bar, or brewery that is closed, whether permanently or temporarily, or operating subject to limitations on its operations, service, or hours, as a result of disciplinary or legal sanctions imposed by, or entering into a settlement agreement with, a court of the State of New Jersey, a municipal court, the New Jersey Department of Law and Public Safety, the New Jersey Division of Alcoholic Beverage Control, or a municipal governing body acting as a local alcoholic beverage control board, as applicable.

8. Nothing in this act permits the use of State-owned right of way for the purposes of outdoor dining. Permits for the use of the State right of way will be issued upon application and approval of the New Jersey Department of Transportation. For the purposes of locally-owned roads that intersect the State highway system, setbacks from the State right of way line will be 50 feet from April 1 to October 31, and 100 feet from November 1 to March 31.

C.33:1-98 Definitions relative to sales at seasonal farmers markets.

9. a. As used in this section:

“Roadside farm stand” means a location owned by a single farmer or producer at which the farmer or producer sells agricultural products only from the farmer’s or producer’s farm directly to consumers.

“Seasonal farm market” means a premises or facility utilized for the primary purpose of selling predominately agricultural or horticultural products, and which is annually closed to business during an off-season for a period of not less than 90 continuous days.

b. The Director of the Division of Alcoholic Beverage Control may, in accordance with regulations or a special ruling issued pursuant to this section,

issue to the holder of a limited brewery license, restricted brewery license, craft distillery license, plenary winery license, farm winery license, or cidery and meadery license, as established pursuant to R.S.33:1-10, a daily or annual permit to sell any of the licensee's products in original containers at a seasonal farm market for consumption off of the premises of the seasonal farm market. The licensee shall obtain a separate permit for each seasonal farm market at which the licensee intends to sell its products. The director shall not issue a permit pursuant to this section for use in connection with a roadside farm stand.

c. Subject to regulation or special ruling, a licensee issued a permit pursuant to this section may:

(1) transport the licensee's products in original containers for the purpose of selling them at a seasonal farm market; and

(2) offer samples for sampling purposes to persons of the legal age to consume alcoholic beverages in the amounts authorized pursuant to R.S.33:1-10 during each day the seasonal farm market is operating.

d. A daily permit shall be valid for the hours during which a seasonal farm market is open within the 24-hour period for which the daily permit is issued. An annual permit shall be valid for one year from the date of issuance. The director may renew a permit, provided the permit holder continues to hold a limited brewery license, restricted brewery license, craft distillery license, plenary winery license, farm winery license, or cidery and meadery license, as applicable.

e. Notwithstanding any law or regulation to the contrary, the director may establish a fee, in an amount determined by the director, for the issuance and renewal of a permit under this section.

f. The Director of the Division of Alcoholic Beverage Control shall issue a special ruling or adopt regulations necessary to effectuate the purposes of this section. Regulations shall be effective immediately upon filing with the Office of Administrative Law for a period not to exceed 18 months, and may, thereafter, be amended, adopted or readopted in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

10. This act shall take effect on the 30th day following enactment and sections 1 through 8 shall expire on November 30, 2022 or on the date of the resumption, pursuant to an executive order issued by the Governor, of indoor dining without capacity limitations, whichever is later.

Approved February 5, 2021.

CHAPTER 16

AN ACT concerning the regulation and use of cannabis, 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.24:6I-31 Short title.

1. This act shall be known and may be cited as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act.”

C.24:6I-32 Findings, declarations relative to the regulation and use of cannabis.

2. The Legislature finds and declares that:

a. It is the intent of the people of New Jersey to adopt a new approach to our marijuana policies by controlling and legalizing a form of marijuana, to be referred to as cannabis, in a similar fashion to the regulation of alcohol for adults;

b. It is the intent of the people of New Jersey that the provisions of this act will prevent the sale or distribution of cannabis to persons under 21 years of age;

c. This act is designed to eliminate the problems caused by the unregulated manufacturing, distribution, and use of illegal marijuana within New Jersey;

d. This act will divert funds from marijuana sales from going to illegal enterprises, gangs, and cartels;

e. Black New Jerseyans are nearly three times more likely to be arrested for marijuana possession than white New Jerseyans, despite similar usage rates;

f. New Jersey spends approximately \$127 million per year on marijuana possession enforcement costs;

g. Controlling and legalizing cannabis for adults in a similar fashion to alcohol will free up precious resources to allow our criminal justice system to focus on serious criminal activities and public safety issues;

h. Controlling and legalizing cannabis for adults in a similar fashion to alcohol will strike a blow at the illegal enterprises that profit from New Jersey’s current, unregulated illegal marijuana market;

i. New Jersey must strengthen its support for evidence-based, drug use prevention programs that work to educate New Jerseyans, particularly young New Jerseyans, about the harms of drug abuse;

j. New Jersey must enhance State-supported programming that provides appropriate, evidence-based treatment for those who suffer from the illness of drug addiction;

k. Controlling and regulating the manufacturing, distribution, and sales of cannabis will strengthen our ability to keep it along with illegal marijuana away from minors;

l. A controlled system of cannabis manufacturing, distribution, and sales must be designed in a way that enhances public health and minimizes harm to New Jersey communities and families;

m. The legalized cannabis marketplace in New Jersey must be regulated so as to prevent persons younger than 21 years of age from accessing or purchasing cannabis;

n. A marijuana arrest in New Jersey can have a debilitating impact on a person's future, including consequences for one's job prospects, housing access, financial health, familial integrity, immigration status, and educational opportunities; and

o. New Jersey cannot afford to sacrifice public safety and individuals' civil rights by continuing its ineffective and wasteful past marijuana enforcement policies.

C.24:6I-33 Definitions relative to the regulation and use of cannabis.

3. Definitions.

As used in P.L.2021, c.16 (C.24:6I-31 et al.) regarding the personal use of cannabis, unless the context otherwise requires:

"Alternative treatment center" means an organization issued a permit pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act," P.L.2009, c.307 (C.24:6I-1 et al.) to operate as a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant, as well as any alternative treatment center deemed pursuant to section 7 of that act (C.24:6I-7) to concurrently hold a medical cannabis cultivator permit, a medical cannabis manufacturer permit, and a medical cannabis dispensary permit.

"Cannabis" means all parts of the plant *Cannabis sativa* 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, which are cultivated and, when applicable, manufactured in accordance with P.L.2021, c.16 (C.24:6I-31 et al.) for use in cannabis products as set forth in this act, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or

oral administrations, food, drink, or other product. “Cannabis” does not include: medical cannabis dispensed to registered qualifying patients pursuant to the “Jake Honig Compassionate Use Medical Cannabis Act,” P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.); marijuana as defined in N.J.S.2C:35-2 and applied to any offense set forth in chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or P.L.2001, c.114 (C.2C:35B-1 et seq.), or marihuana as defined in section 2 of P.L.1970, c.226 (C.24:21-2) and applied to any offense set forth in the “New Jersey Controlled Dangerous Substances Act,” P.L.1970, c.226 (C.24:21-1 et al.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the “New Jersey Hemp Farming Act,” P.L.2019, c.238 (C.4:28-6 et al.).

“Cannabis consumption area” means, as further described in section 28 of P.L.2019, c.153 (C.24:6I-21), a designated location operated by a licensed cannabis retailer or permit holder for dispensing medical cannabis, for which both a State and local endorsement has been obtained, that is either: (1) an indoor, structurally enclosed area of the cannabis retailer or permit holder that is separate from the area in which retail sales of cannabis items or the dispensing of medical cannabis occurs; or (2) an exterior structure on the same premises as the cannabis retailer or permit holder, either separate from or connected to the cannabis retailer or permit holder, at which cannabis items or medical cannabis either obtained from the retailer or permit holder, or brought by a person to the consumption area, may be consumed.

“Cannabis cultivator” means any licensed person or entity that grows, cultivates, or produces cannabis in this State, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 1 Cannabis Cultivator license.

“Cannabis delivery service” means any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer. This person or entity shall hold a Class 6 Cannabis Delivery license.

“Cannabis distributor” means any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class

of licensed cannabis establishment, and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities. This person or entity shall hold a Class 4 Cannabis Distributor license.

“Cannabis establishment” means a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer.

“Cannabis extract” means a substance obtained by separating resins from cannabis by: (1) a chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane, or propane; (2) a chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the process uses high heat or pressure; or (3) any other process identified by the Cannabis Regulatory Commission by rule or regulation.

“Cannabis flower” means the flower of the plant *Cannabis sativa* L. within the plant family *Cannabaceae*.

“Cannabis item” means any usable cannabis, cannabis product, cannabis extract, and any other cannabis resin. “Cannabis item” does not include: any form of medical cannabis dispensed to registered qualifying patients pursuant to the “Jake Honig Compassionate Use Medical Cannabis Act,” P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the “New Jersey Hemp Farming Act,” P.L.2019, c.238 (C.4:28-6 et al.).

“Cannabis leaf” means the leaf of the plant *Cannabis sativa* L. within the plant family *Cannabaceae*.

“Cannabis manufacturer” means any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 2 Cannabis Manufacturer license.”

“Cannabis paraphernalia” means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing a cannabis item into the human body. “Cannabis paraphernalia” does not include drug paraphernalia as defined in N.J.S.2C:36-1 and which is used or intended for use to commit a violation of chapter 35 or 36 of Title 2C of the New Jersey Statutes.

“Cannabis product” means a product containing usable cannabis, cannabis extract, or any other cannabis resin and other ingredients intended for human consumption or use, including a product intended to be applied to the

skin or hair, edible cannabis products, ointments, and tinctures. “Cannabis product” does not include: (1) usable cannabis by itself; or (2) cannabis extract by itself; or (3) any other cannabis resin by itself.

“Cannabis resin” means the resin extracted from any part of the plant *Cannabis sativa* L., including cannabis extract and resin extracted using non-chemical processes, processed and used in accordance with P.L.2021, c.16 (C.24:6I-31 et al.). “Cannabis resin” does not include: any form of medical cannabis dispensed to registered qualifying patients pursuant to the “Jake Honig Compassionate Use Medical Cannabis Act,” P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.); hashish as defined in N.J.S.2C:35-2 and applied to any offense set forth in chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or P.L.2001, c.114 (C.2C:35B-1 et seq.), or as defined in section 2 of P.L.1970, c.226 (C.24:21-2) and applied to any offense of the “New Jersey Controlled Dangerous Substances Act,” P.L.1970, c.226 (C.24:21-1 et al.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the “New Jersey Hemp Farming Act,” P.L.2019, c.238 (C.4:28-6 et al.).

“Cannabis retailer” means any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer. This person or entity shall hold a Class 5 Cannabis Retailer license.

“Cannabis testing facility” means an independent, third-party entity meeting accreditation requirements established by the Cannabis Regulatory Commission that is licensed to analyze and certify cannabis items and medical cannabis for compliance with applicable health, safety, and potency standards.

“Cannabis wholesaler” means any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers. This person or entity shall hold a Class 3 Cannabis Wholesaler license.

“Commission” means the Cannabis Regulatory Commission established pursuant to section 31 of P.L.2019, c.153 (C.24:6I-24).

“Conditional license” means a temporary license designated as either a Class 1 Cannabis Cultivator license, a Class 2 Cannabis Manufacturer license, a Class 3 Cannabis Wholesaler license, a Class 4 Cannabis Distributor license, a Class 5 Cannabis Retailer license, or a Class 6 Cannabis Delivery license that allows the holder to lawfully act as a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service as the case may be, which is issued pursuant to an abbreviated application process, after which the conditional license holder shall have a limited period of time in which to become fully licensed by satisfying all of the remaining conditions for licensure which were not required for the issuance of the conditional license.

“Consumer” means a person 21 years of age or older who purchases, directly or through a cannabis delivery service, acquires, owns, holds, or uses cannabis items for personal use by a person 21 years of age or older, but not for resale to others.

“Consumption” means the act of ingesting, inhaling, or otherwise introducing cannabis items into the human body.

“Delivery” means the transportation of cannabis items and related supplies to a consumer. “Delivery” also includes the use by a licensed cannabis retailer of any third party technology platform to receive, process, and fulfill orders by consumers, which third party shall not be required to be a licensed cannabis establishment, distributor, or delivery service, provided that any physical acts in connection with fulfilling the order and delivery shall be accomplished by a certified cannabis handler performing work for or on behalf of the licensed cannabis retailer, which includes a certified cannabis handler employed or otherwise working on behalf of a cannabis delivery service making off-premises deliveries of consumer purchases fulfilled by that cannabis retailer.

“Department” means the Department of Health.

“Director” means the Director of the Office of Minority, Disabled Veterans, and Women Cannabis Business Development in the Cannabis Regulatory Commission.

“Executive director” means the executive director of the Cannabis Regulatory Commission.

“Financial consideration” means value that is given or received either directly or indirectly through sales, barter, trade, fees, charges, dues, contributions, or donations.

“Immature cannabis plant” means a cannabis plant that is not flowering.

“Impact zone” means any municipality, based on past criminal marijuana enterprises contributing to higher concentrations of law enforcement activity,

unemployment, and poverty, or any combination thereof, within parts of or throughout the municipality, that:

(1) has a population of 120,000 or more according to the most recently compiled federal decennial census as of the effective date of P.L.2021, c.16 (C.24:6I-31 et al.);

(2) based upon data for calendar year 2019, ranks in the top 40 percent of municipalities in the State for marijuana- or hashish-related arrests for violation of paragraph (4) of subsection a. of N.J.S.2C:35-10; has a crime index total of 825 or higher based upon the indexes listed in the annual Uniform Crime Report by the Division of State Police; and has a local average annual unemployment rate that ranks in the top 15 percent of all municipalities, based upon average annual unemployment rates estimated for the relevant calendar year by the Office of Research and Information in the Department of Labor and Workforce Development;

(3) is a municipality located in a county of the third class, based upon the county's population according to the most recently compiled federal decennial census as of the effective date of P.L.2021, c.16 (C.24:6I-31 et al.), that meets all of the criteria set forth in paragraph (2) other than having a crime index total of 825 or higher; or

(4) is a municipality located in a county of the second class, based upon the county's population according to the most recently compiled federal decennial census as of the effective date of P.L.2021, c.16 (C.24:6I-31 et al.):

(a) with a population of less than 60,000 according to the most recently compiled federal decennial census, that for calendar year 2019 ranks in the top 40 percent of municipalities in the State for marijuana- or hashish-related arrests for violation of paragraph (4) of subsection a. of N.J.S.2C:35-10; has a crime index total of 1,000 or higher based upon the indexes listed in the 2019 annual Uniform Crime Report by the Division of State Police; but for calendar year 2019 does not have a local average annual unemployment rate that ranks in the top 15 percent of all municipalities, based upon average annual unemployment rates estimated for the relevant calendar year by the Office of Research and Information in the Department of Labor and Workforce Development; or

(b) with a population of not less than 60,000 or more than 80,000 according to the most recently compiled federal decennial census; has a crime index total of 650 or higher based upon the indexes listed in the 2019 annual Uniform Crime Report; and for calendar year 2019 has a local average annual unemployment rate of 3.0 percent or higher using the same estimated annual unemployment rates.

“License” means a license issued under P.L.2021, c.16 (C.24:6I-31 et al.), including a license that is designated as either a Class 1 Cannabis Cultivator license, a Class 2 Cannabis Manufacturer license, a Class 3 Cannabis Wholesaler license, a Class 4 Cannabis Distributor license, a Class 5 Cannabis Retailer license, or a Class 6 Cannabis Delivery license. The term includes a conditional license for a designated class, except when the context of the provisions of P.L.2021, c.16 (C.24:6I-31 et al.) otherwise intend to only apply to a license and not a conditional license.

“Licensee” means a person or entity that holds a license issued under P.L.2021, c.16 (C.24:6I-31 et al.), including a license that is designated as either a Class 1 Cannabis Cultivator license, a Class 2 Cannabis Manufacturer license, a Class 3 Cannabis Wholesaler license, a Class 4 Cannabis Distributor license, a Class 5 Cannabis Retailer license, or a Class 6 Cannabis Delivery license, and includes a person or entity that holds a conditional license for a designated class, except when the context of the provisions of P.L.2021, c.16 (C.24:6I-31 et al.) otherwise intend to only apply to a person or entity that holds a license and not a conditional license.

“Licensee representative” means an owner, director, officer, manager, employee, agent, or other representative of a licensee, to the extent that the person acts in a representative capacity.

“Manufacture” means the drying, processing, compounding, or conversion of usable cannabis into cannabis products or cannabis resins. “Manufacture” does not include packaging or labeling.

“Mature cannabis plant” means a cannabis plant that is not an immature cannabis plant.

“Medical cannabis” means cannabis dispensed to registered qualifying patients pursuant to the “Jake Honig Compassionate Use Medical Cannabis Act,” P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.). “Medical cannabis” does not include any cannabis or cannabis item which is cultivated, produced, processed, and consumed in accordance with P.L.2021, c.16 (C.24:6I-31 et al.).

“Microbusiness” means a person or entity licensed under P.L.2021, c.16 (C.24:6I-31 et al.) as a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service that may only, with respect to its business operations, and capacity and quantity of product: (1) employ no more than 10 employees; (2) operate a cannabis establishment occupying an area of no more than 2,500 square feet, and in the case of a cannabis cultivator, grow cannabis on an area no more than 2,500 square feet measured on a horizontal plane and grow above that plane not higher than 24 feet; (3) possess no more than 1,000 cannabis plants

each month, except that a cannabis distributor's possession of cannabis plants for transportation shall not be subject to this limit; (4) acquire each month, in the case of a cannabis manufacturer, no more than 1,000 pounds of usable cannabis; (5) acquire for resale each month, in the case of a cannabis wholesaler, no more than 1,000 pounds of usable cannabis, or the equivalent amount in any form of manufactured cannabis product or cannabis resin, or any combination thereof; and (6) acquire for retail sale each month, in the case of a cannabis retailer, no more than 1,000 pounds of usable cannabis, or the equivalent amount in any form of manufactured cannabis product or cannabis resin, or any combination thereof.

"Noncommercial" means not dependent or conditioned upon the provision or receipt of financial consideration.

"Premises" or "licensed premises" includes the following areas of a location licensed under P.L.2021, c.16 (C.24:6I-31 et al.): all public and private enclosed areas at the location that are used in the business operated at the location, including offices, kitchens, rest rooms, and storerooms; all areas outside a building that the Cannabis Regulatory Commission has specifically licensed for the production, manufacturing, wholesaling, distributing, retail sale, or delivery of cannabis items; and, for a location that the commission has specifically licensed for the production of cannabis outside a building, the entire lot or parcel that the licensee owns, leases, or has a right to occupy.

"Produce" means the planting, cultivation, growing or harvesting of cannabis. "Produce" does not include the drying of cannabis by a cannabis manufacturer, if the cannabis manufacturer is not otherwise manufacturing cannabis.

"Public place" means any place to which the public has access that is not privately owned; or any place to which the public has access where alcohol consumption is not allowed, including, but not limited to, a public street, road, thoroughfare, sidewalk, bridge, alley, plaza, park, playground, swimming pool, shopping area, public transportation facility, vehicle used for public transportation, parking lot, public library, or any other public building, structure, or area.

"Radio" means a system for transmitting sound without visual images, and includes broadcast, cable, on-demand, satellite, or Internet programming. "Radio" includes any audio programming downloaded or streamed via the Internet.

"Significantly involved person" means a person or entity who holds at least a five percent investment interest in a proposed or licensed cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service, or who is a decision making member of a group that holds at least a 20 percent investment interest in a proposed or licensed cannabis cultivator, cannabis manufacturer, cannabis

wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service, in which no member of that group holds more than a five percent interest in the total group investment interest, and the person or entity makes controlling decisions regarding the proposed or licensed cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service operations.

“Television” means a system for transmitting visual images and sound that are reproduced on screens, and includes broadcast, cable, on-demand, satellite, or Internet programming. “Television” includes any video programming downloaded or streamed via the Internet.

“THC” means delta-9-tetrahydrocannabinol and its precursor, tetrahydrocannabinolic acid, the main psychoactive chemicals contained in the cannabis plant.

“Usable cannabis” means the dried leaves and flowers of the female plant *Cannabis sativa* L., and does not include the seedlings, seeds, stems, stalks, or roots of the plant.

4. Section 3 of P.L.2009, c.307 (C.24:6I-3) is amended to read as follows:

C.24:6I-3 Definitions relative to the medical use of cannabis.

3. As used in P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.):

"Academic medical center" means (1) an entity located in New Jersey that, on the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.), has an addiction medicine faculty practice or is in the same health care system as another facility located in New Jersey that offers outpatient medical detoxification services or inpatient treatment services for substance use disorder; has a pain management faculty practice or a facility-based pain management service located in New Jersey; has graduate medical training programs accredited, or pending accreditation, by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association in primary care and medical specialties; is the principal teaching affiliate of a medical school based in the State; and has the ability to conduct research related to medical cannabis. If the entity is part of a system of health care facilities, the entity shall not qualify as an academic medical center unless the health care system is principally located within the State; or

(2) an accredited school of osteopathic medicine that: is located in a state that shares a common border with this State; has an articulation agreement or similar memorandum of understanding, plus an agreement to establish and

maintain an apprenticeship program in this State to train workers in the cannabis industry, which training would earn college credit, with any State college or university located in a county of the first class with a college of nursing or nursing degree program accredited by the Commission on Collegiate Nursing Education on the effective date of P.L.2021, c.16 (C.24:6I-31 et al.); and has an institutional review board that has, on the effective date of P.L.2021, c.16 (C.24:6I-31 et al.), previously approved a clinical research study in this State involving medical cannabis; and has the ability and will conduct all research and development in the county in which the partner State college or university is located.

"Adverse employment action" means refusing to hire or employ an individual, barring or discharging an individual from employment, requiring an individual to retire from employment, or discriminating against an individual in compensation or in any terms, conditions, or privileges of employment.

"Cannabis" has the meaning given to "marihuana" in section 2 of the "New Jersey Controlled Dangerous Substances Act," P.L.1970, c.226 (C.24:21-2).

"Clinical registrant" means an entity that has a written contractual relationship with an academic medical center in the region in which it has its principal place of business, which includes provisions whereby the parties will engage in clinical research related to the use of medical cannabis and the academic medical center or its affiliate will provide advice to the entity regarding patient health and safety, medical applications, and dispensing and managing controlled dangerous substances, among other areas.

"Commission" means the Cannabis Regulatory Commission established pursuant to section 31 of P.L.2019, c.153 (C.24:6I-24).

"Commissioner" means the Commissioner of Health.

"Common ownership or control" means:

- (1) between two for-profit entities, the same individuals or entities own and control more than 50 percent of both entities;
- (2) between a nonprofit entity and a for-profit entity, a majority of the directors, trustees, or members of the governing body of the nonprofit entity directly or indirectly own and control more than 50 percent of the for-profit entity; and
- (3) between two nonprofit entities, the same directors, trustees, or governing body members comprise a majority of the voting directors, trustees, or governing body members of both nonprofits.

"Department" means the Department of Health.

"Designated caregiver" means a resident of the State who:

- (1) is at least 18 years old;
- (2) has agreed to assist with a registered qualifying patient's medical use of cannabis, is not currently serving as a designated caregiver for more

than one other qualifying patient, and is not the qualifying patient's health care practitioner;

(3) subject to the provisions of paragraph (2) of subsection c. of section 4 of P.L.2009, c.307 (C.24:6I-4), has never been convicted of possession or sale of a controlled dangerous substance, unless such conviction occurred after the effective date of P.L.2009, c.307 (C.24:6I-1 et al.) and was for a violation of federal law related to possession or sale of cannabis that is authorized under P.L.2009, c.307 (C.24:6I-1 et al.) or P.L.2015, c.158 (C.18A:40-12.22 et al.);

(4) has registered with the commission pursuant to section 4 of P.L.2009, c.307 (C.24:6I-4), and, except in the case of a designated caregiver who is an immediate family member of the patient, has satisfied the criminal history record background check requirement of section 4 of P.L.2009, c.307 (C.24:6I-4); and

(5) has been designated as a designated caregiver by the patient when registering or renewing a registration with the commission or in other written notification to the commission.

"Dispense" means the furnishing of medical cannabis to a registered qualifying patient, designated caregiver, or institutional caregiver by a medical cannabis dispensary or clinical registrant pursuant to written instructions issued by a health care practitioner pursuant to the requirements of P.L.2009, c.307 (C.24:6I-1 et al.). The term shall include the act of furnishing medical cannabis to a medical cannabis handler for delivery to a registered qualifying patient, designated caregiver, or institutional caregiver, consistent with the requirements of subsection i. of section 27 of P.L.2019, c.153 (C.24:6I-20).

"Health care facility" means a general acute care hospital, nursing home, long term care facility, hospice care facility, group home, facility that provides services to persons with developmental disabilities, behavioral health care facility, or rehabilitation center.

"Health care practitioner" means a physician, advanced practice nurse, or physician assistant licensed or certified pursuant to Title 45 of the Revised Statutes who:

(1) possesses active registrations to prescribe controlled dangerous substances issued by the United States Drug Enforcement Administration and the Division of Consumer Affairs in the Department of Law and Public Safety;

(2) is the health care practitioner responsible for the ongoing treatment of a patient's qualifying medical condition, the symptoms of that condition, or the symptoms associated with the treatment of that condition, provided, however, that the ongoing treatment shall not be limited to the provision of authorization for a patient to use medical cannabis or consultation solely for that purpose; and

(3) if the patient is a minor, is a pediatric specialist.

"Immediate family" means the spouse, domestic partner, civil union partner, child, sibling, or parent of an individual, and shall include the siblings, parents, and children of the individual's spouse, domestic partner, or civil union partner, and the parents, spouses, domestic partners, or civil union partners of the individual's parents, siblings, and children.

"Institutional caregiver" means a resident of the State who:

- (1) is at least 18 years old;
- (2) is an employee of a health care facility;
- (3) is authorized, within the scope of the individual's professional duties, to possess and administer controlled dangerous substances in connection with the care and treatment of patients and residents pursuant to applicable State and federal laws;

- (4) is authorized by the health care facility employing the person to assist registered qualifying patients who are patients or residents of the facility with the medical use of cannabis, including, but not limited to, obtaining medical cannabis for registered qualifying patients and assisting registered qualifying patients with the administration of medical cannabis;

- (5) subject to the provisions of paragraph (2) of subsection c. of section 4 of P.L.2009, c.307 (C.24:6I-4), has never been convicted of possession or sale of a controlled dangerous substance, unless such conviction occurred after the effective date of P.L.2009, c.307 (C.24:6I-1 et al.) and was for a violation of federal law related to possession or sale of cannabis that is authorized under P.L.2009, c.307 (C.24:6I-1 et al.) or P.L.2015, c.158 (C.18A:40-12.22 et al.); and

- (6) has registered with the commission pursuant to section 4 of P.L.2009, c.307 (C.24:6I-4).

"Integrated curriculum" means an academic, clinical, or research program at an institution of higher education that is coordinated with a medical cannabis cultivator, medical cannabis manufacturer, or medical cannabis dispensary to apply theoretical principles, practical experience, or both involving the cultivation, manufacturing, dispensing, delivery, or medical use of cannabis to a specific area of study, including, but not limited to, agriculture, biology, business, chemistry, culinary studies, ecology, environmental studies, health care, horticulture, technology, or any other appropriate area of study or combined areas of study. Integrated curricula shall be subject to approval by the commission and the Office of the Secretary of Higher Education.

"Integrated curriculum permit" or "IC permit" means a permit issued to a medical cannabis cultivator, medical cannabis manufacturer, or medical cannabis dispensary that includes an integrated curriculum approved by the commission and the Office of the Secretary of Higher Education.

"Medical cannabis alternative treatment center" or "alternative treatment center" means an organization issued a permit, including a conditional permit, by the commission to operate as a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant. This term shall include the organization's officers, directors, board members, and employees.

"Medical cannabis cultivator" means an organization holding a permit issued by the commission that authorizes the organization to: possess and cultivate cannabis and deliver, transfer, transport, distribute, supply, and sell medical cannabis and related supplies to other medical cannabis cultivators and to medical cannabis manufacturers, clinical registrants, and medical cannabis dispensaries, as well as to plant, cultivate, grow, and harvest medical cannabis for research purposes. A medical cannabis cultivator permit shall not authorize the permit holder to manufacture, produce, or otherwise create medical cannabis products, or to deliver, transfer, transport, distribute, supply, sell, or dispense medical cannabis, medical cannabis products, paraphernalia, or related supplies to qualifying patients, designated caregivers, or institutional caregivers.

"Medical cannabis dispensary" means an organization issued a permit by the commission that authorizes the organization to: purchase or obtain medical cannabis and related supplies from medical cannabis cultivators; purchase or obtain medical cannabis products and related supplies from medical cannabis manufacturers; purchase or obtain medical cannabis, medical cannabis products, and related supplies and paraphernalia from other medical cannabis dispensaries and from clinical registrants; deliver, transfer, transport, distribute, supply, and sell medical cannabis and medical cannabis products to other medical cannabis dispensaries; furnish medical cannabis, including medical cannabis products, to a medical cannabis handler for delivery to a registered qualifying patient, designated caregiver, or institutional caregiver, consistent with the requirements of subsection i. of section 27 of P.L.2019, c.153 (C.24:6I-20); and possess, display, deliver, transfer, transport, distribute, supply, sell, and dispense medical cannabis, medical cannabis products, paraphernalia, and related supplies to qualifying patients, designated caregivers, and institutional caregivers. A medical cannabis dispensary permit shall not authorize the permit holder to cultivate medical cannabis, to produce, manufacture, or otherwise create medical cannabis products.

"Medical cannabis manufacturer" means an organization issued a permit by the commission that authorizes the organization to: purchase or obtain medical cannabis and related supplies from a medical cannabis cultivator or a clinical registrant; purchase or obtain medical cannabis products from another medical cannabis manufacturer or a clinical registrant; produce, manufacture, or otherwise create medical cannabis products; and possess, deliver, transfer, transport, distribute, supply, and sell medical cannabis products and related

supplies to other medical cannabis manufacturers and to medical cannabis dispensaries and clinical registrants. A medical cannabis manufacturer permit shall not authorize the permit holder to cultivate medical cannabis or to deliver, transfer, transport, distribute, supply, sell, or dispense medical cannabis, medical cannabis products, paraphernalia, or related supplies to registered qualifying patients, designated caregivers, or institutional caregivers.

"Medical use of cannabis" means the acquisition, possession, transport, or use of cannabis or paraphernalia by a registered qualifying patient as authorized by P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.).

"Minor" means a person who is under 18 years of age and who has not been married or previously declared by a court or an administrative agency to be emancipated.

"Paraphernalia" has the meaning given in N.J.S.2C:36-1.

"Pediatric specialist" means a physician who is a board-certified pediatrician or pediatric specialist, or an advanced practice nurse or physician assistant who is certified as a pediatric specialist by an appropriate professional certification or licensing entity.

"Primary care" means the practice of family medicine, general internal medicine, general pediatrics, general obstetrics, or gynecology.

"Qualifying medical condition" means seizure disorder, including epilepsy; intractable skeletal muscular spasticity; post-traumatic stress disorder; glaucoma; positive status for human immunodeficiency virus; acquired immune deficiency syndrome; cancer; amyotrophic lateral sclerosis; multiple sclerosis; muscular dystrophy; inflammatory bowel disease, including Crohn's disease; terminal illness, if the patient has a prognosis of less than 12 months of life; anxiety; migraine; Tourette's syndrome; dysmenorrhea; chronic pain; opioid use disorder; or any other medical condition or its treatment that is approved by the commission.

"Qualifying patient" or "patient" means a resident of the State who has been authorized for the medical use of cannabis by a health care practitioner.

"Registration with the commission" means a person has met the qualification requirements for, and has been registered by the commission as, a registered qualifying patient, designated caregiver, or institutional caregiver. The commission shall establish appropriate means for health care practitioners, health care facilities, medical cannabis dispensaries, law enforcement, schools, facilities providing behavioral health services or services for persons with developmental disabilities, and other appropriate entities to verify an individual's status as a registrant with the commission.

"Significantly involved person" means a person or entity who holds at least a five percent investment interest in an entity issued, or applying for a

permit to operate as, a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant, or who is a decision making member of a group that holds at least a 20 percent investment interest in an entity issued, or applying for a permit to operate as, a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant, in which no member of that group holds more than a five percent interest in the total group investment interest, and the person or entity makes controlling decisions regarding the operations of the entity issued, or applying for a permit to operate as, a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant.

"Terminally ill" means having an illness or condition with a prognosis of less than 12 months of life.

"Usable cannabis" means the dried leaves and flowers of cannabis, and any mixture or preparation thereof, and does not include the seeds, stems, stalks, or roots of the plant.

5. Section 31 of P.L.2019, c.153 (C.24:6I-24) is amended to read as follows:

C.24:6I-24 Cannabis Regulatory Commission.

31. a. The Cannabis Regulatory Commission is hereby created in, but not of, the Department of the Treasury, to:

(1) assume all powers, duties, and responsibilities with regard to the regulation and oversight of activities authorized pursuant to P.L.2009, c.307 (C.24:6I-1 et al.) from the Department of Health for the further development, expansion, regulation, and enforcement of activities associated with the medical use of cannabis pursuant to P.L.2009, c.307 (C.24:6I-1 et al.). All powers, duties, and responsibilities with regard to the regulation and oversight of activities authorized pursuant to P.L.2009, c.307 (C.24:6I-1 et al.) shall be transferred from the Department of Health to the Cannabis Regulatory Commission at such time as the members of the commission are appointed as provided in subsection b. of this section and the commission first organizes. Thereafter, any reference to the Department of Health or the Commissioner of Health in any statute or regulation pertaining to the provisions of P.L.2009, c.307 (C.24:6I-1 et al.) shall be deemed to refer to the Cannabis Regulatory Commission. The provisions of this paragraph shall be carried out in accordance with the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.); and

(2) oversee the development, regulation, and enforcement of activities associated with the personal use of cannabis pursuant to P.L.2021, c.16 (C.24:6I-31 et al.).

b. (1) The commission shall consist of five members, one of whom shall be designated by the Governor as the chair, and one of whom shall be designated the vice-chair in accordance with the appointment process set forth in paragraph (7) of this subsection.

(2) The members of the commission shall be appointed by the Governor as follows:

(a) One member shall be appointed upon recommendation of the Senate President;

(b) One member shall be appointed upon recommendation of the Speaker of the General Assembly;

(c) Three members, including the chair, shall be appointed without any needed recommendation.

(3) Initial appointments of commission members pursuant to paragraph (2) of this subsection shall not require the advice and consent of the Senate. Subsequent appointments made pursuant to subparagraph (c) of paragraph (2) of this subsection, including reappointments of members initially appointed, shall be made with the advice and consent of the Senate. Subsequent appointments made pursuant to subparagraphs (a) and (b) of paragraph (2) of this subsection shall be made in the same manner as the original appointment.

(4) All five members shall be residents of this State. At least one member shall be a State representative of a national organization or State branch of a national organization with a stated mission of studying, advocating, or adjudicating against minority historical oppression, past and present discrimination, unemployment, poverty and income inequality, and other forms of social injustice or inequality, and all five members shall possess education, training, or experience with legal, policy, or criminal justice issues, corporate or industry management, finance, securities, or production or distribution, medicine or pharmacology, or public health, mental health, or substance use disorders.

(5) The chair and the other members shall serve for terms of five years; provided that, for the two other members initially appointed by the Governor without any needed recommendation, one shall be appointed for a term of four years, and one shall be appointed for a term of three years. The chair and the other members shall serve in their respective capacities throughout their entire term and until their successors shall have been duly appointed and qualified. Any vacancy in the commission occurring for any reason other than the expiration of a term, including a vacancy occurring during the term of the initial chair or another initial member, shall be filled in accordance with the requirements for subsequent appointments set forth in paragraph (3) of this subsection for the remainder of the unexpired term only.

(6) The chair and other members of the commission shall devote full time to their respective duties of office and shall not pursue or engage in any other business, occupation, or gainful employment. Each member shall receive an annual salary to be fixed and established by the Governor, which for the chair shall not exceed \$141,000, and for the other members shall not exceed \$125,000.

(7) The members of the commission, at the commission's first meeting when called by the chair, shall elect, by a majority of the total authorized membership of the commission, one of the members who is appointed based upon the recommendation of the Senate President or Speaker of the General Assembly as set forth in paragraph (2) of this subsection to serve as vice-chair during that member's term. A new vice-chair shall be elected upon the expiration of the current vice-chair's term, even if that member remains on the commission until that member's successor is duly appointed and qualified. The vice-chair shall be empowered to carry out all of the responsibilities of the chair during the chair's absence, disqualification, or inability to serve.

(8) A majority of the total authorized membership of the commission shall be required to establish a quorum, and a majority of the total authorized membership of the commission shall be required to exercise its powers at any meeting thereof. However, only if all five commissioners have been duly appointed in accordance with the appointment process set forth in paragraph (2) of this subsection, and five appointed commissioners are present at a meeting, may a majority of the total authorized membership act to assume the powers, duties, and responsibilities with regard to the regulation and oversight of activities authorized pursuant to P.L.2009, c.307 (C.24:6I-1 et al.) from the Department of Health; and similarly, only if all five appointed commissioners are present at a meeting, may a majority of the total authorized membership act to adopt the commission's initial rules and regulations concerning personal use cannabis pursuant to subparagraph (a) of paragraph (1) of subsection d. of section 6 of P.L.2021, c.16 (C.24:6I-34), by which the licensing of cannabis establishments, distributors, and delivery services, and the lawfully permitted licensing activities of those establishments, distributors, and delivery services may begin.

(9) The commission shall adopt annually a schedule of regular meetings, and special meetings may be held at the call of the chair.

(10) Any member of the commission may be removed from office by the Governor, for cause, upon notice and opportunity to be heard at a public hearing. Any member of the commission shall automatically forfeit the member's office upon conviction for any crime.

c. (1) The commission shall establish, and from time to time alter, a plan of organization, and employ personnel as it deems necessary under the direct

supervision of a full-time executive director for the commission. The plan of organization shall include the Office of Minority, Disabled Veterans, and Women Cannabis Business Development established by section 32 of P.L.2019, c.153 (C.24:6I-25).

(a) The initial executive director shall be appointed by the Governor, and thereafter every subsequent executive director shall be appointed by the Governor with the advice and consent of the Senate. The executive director shall serve at the pleasure of the appointing Governor during the Governor's term of office and until a successor has been duly appointed and qualified. Any vacancy in the office occurring for any reason other than the expiration of a term, including a vacancy occurring during the term of the initial executive director, shall be filled for the unexpired term only in the same manner as the appointment of any subsequent executive director as set forth herein. The executive director shall receive an annual salary to be fixed and established by the Governor, which shall not exceed \$141,000.

(b) (i) All employees of the commission under the direct supervision of the executive director, except for secretarial and clerical personnel, shall be in the State's unclassified service. All employees shall be deemed confidential employees for the purposes of the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.).

(ii) If, as a result of transferring powers, duties, and responsibilities with regard to the regulation and oversight of activities authorized pursuant to P.L.2009, c.307 (C.24:6I-1 et al.) from the Department of Health to the commission pursuant to subsection a. of this section, the commission needs to employ an individual to fill a position, employees of the department who performed the duties of the position to be filled shall be given a one-time right of first refusal offer of employment with the commission, and such employees may be removed by the commission for cause or if deemed unqualified to hold the position, notwithstanding any other provision of law to the contrary. A department employee who becomes employed by the commission shall retain as an employee of the commission the seniority, and all rights related to seniority, that the employee had with the department as of the last day of employment with the department; provided, however, that such seniority and seniority rights shall be retained only by an employee who was transferred from employment with the department to employment with the commission, and shall not be retained by an employee who was removed from employment with the department due to layoff procedures or who resigned from a position with the department prior to being hired by the commission.

(2) The commission may sue and be sued in any court, employ legal counsel to represent the commission in any proceeding to which it is a party and

render legal advice to the commission upon its request, as well as contract for the services of other professional, technical, and operational personnel and consultants as may be necessary to the performance of its responsibilities.

(3) The commission may incur additional expenses within the limits of funds available to it in order to carry out its duties, functions, and powers under P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2021, c.16 (C.24:6I-31 et al.).

d. With respect to the activities of the commission, neither the President of the Senate or the Speaker of the General Assembly shall be permitted to appear or practice or act in any capacity whatsoever before the commission regarding any matter whatsoever, nor shall any member of the immediate family of the Governor, President of the Senate, or Speaker of the General Assembly be permitted to so practice or appear in any capacity whatsoever before the commission regarding any matter whatsoever. As used in this subsection, "immediate family" means the spouse, domestic partner, or civil union partner, and any dependent child or stepchild, recognized by blood or by law, of the Governor, President of the Senate, or Speaker of the General Assembly, or of the spouse, domestic partner, or civil union partner residing in the same household as the Governor, President of the Senate, or Speaker of the General Assembly.

e. The commission may designate its powers and authority as it deems necessary and appropriate to carry out its duties and implement the provisions of P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2021, c.16 (C.24:6I-31 et al.).

f. The commission shall, no later than three years after the date it first organizes, contract with a public research university, as defined in section 3 of P.L.1994, c.48 (C.18A:3B-3), to conduct an independent study to review:

- (1) the commission's organization;
- (2) the commission's regulation and enforcement activities;
- (3) the overall effectiveness of the commission as a full time entity; and
- (4) whether the regulation and oversight of medical cannabis or personal use cannabis could be more effectively and efficiently managed through a reorganization of the commission, consolidation of the commission within the Department of Health or another Executive Branch department, conversion to a part-time commission, or the transfer of some or all of the commission's operations elsewhere within the Executive Branch.

The commission shall submit the findings of the independent study, along with the commission's recommendations for appropriate executive, administrative, or legislative action, to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature.

C.24:6I-34 Commission activities associated with the personal use of cannabis.

6. Commission Activities Associated with the Personal Use of Cannabis.

a. The Cannabis Regulatory Commission shall have all powers necessary or proper to enable it to carry out the commission's duties, functions, and powers under P.L.2021, c.16 (C.24:6I-31 et al.). The jurisdiction, supervision, duties, functions, and powers of the commission extend to any person who buys, sells, cultivates, produces, manufactures, transports, or delivers any cannabis or cannabis items within this State.

b. The duties, functions and powers of the commission shall include the following:

(1) To regulate the purchase, sale, cultivation, production, manufacturing, transportation, and delivery of cannabis or cannabis items in accordance with the provisions of P.L.2021, c.16 (C.24:6I-31 et al.);

(2) To grant, refuse, suspend, revoke, cancel, or take actions otherwise limiting licenses or conditional licenses for the sale, cultivation, production, or manufacturing of cannabis items, or other licenses in regard to cannabis items, and to permit, in the commission's discretion, the transfer of a license between persons;

(3) To investigate and aid in the prosecution of every violation of the statutory laws of this State relating to cannabis and cannabis items and to cooperate in the prosecution of offenders before any State court of competent jurisdiction;

(4) To adopt, amend, or repeal regulations as necessary to carry out the intent and provisions of P.L.2021, c.16 (C.24:6I-31 et al.);

(5) To exercise all powers incidental, convenient, or necessary to enable the commission to administer or carry out the provisions of P.L.2021, c.16 (C.24:6I-31 et al.), or any other law of this State that charges the commission with a duty, function, or power related to personal use cannabis. Powers described in this paragraph include, but are not limited to:

(a) Issuing subpoenas;

(b) Compelling attendance of witnesses;

(c) Administering oaths;

(d) Certifying official acts;

(e) Taking depositions as provided by law;

(f) Compelling the production of books, payrolls, accounts, papers, records, documents, and testimony; and

(g) Establishing fees in addition to the application, licensing, and renewal fees, provided that any fee established by the commission is reasonably calculated not to exceed the cost of the activity for which the fee is charged;

(6) To adopt rules regulating and prohibiting the advertising of cannabis items in a manner that is appealing to minors; that promotes excessive use; that promotes illegal activity; or that otherwise presents a significant risk to public health and safety; and

(7) To regulate the use of cannabis and cannabis items for scientific, pharmaceutical, manufacturing, mechanical, industrial, and other purposes.

c. The powers of the commission further include the power to purchase, seize, possess, and dispose of cannabis and cannabis items. The commission may purchase, possess, seize, or dispose of cannabis and cannabis items as is necessary to ensure compliance with and enforcement of the provisions of P.L.2021, c.16 (C.24:6I-31 et al.), and any rule adopted pursuant thereto. Any State officer, board, commission, corporation, institution, department, or other State body, and any local officer, board, commission, institution, department, or other local government body, that is permitted by the statutory laws of this State to perform a duty, function, or power with respect to cannabis or a cannabis item, may purchase, possess, seize, or dispose of the cannabis or cannabis item as the State officer, board, commission, corporation, institution, department or other State body, or the local officer, board, commission, institution, department, or other local government body, considers necessary to ensure compliance with and enforce the applicable statutory law or any rule adopted under the applicable statutory law.

d. (1) (a) Within 180 days after the effective date of this section, which takes effect immediately upon enactment of P.L.2021, c.16 (C.24:6I-31 et al.), or within 45 days of all five members of the commission being duly appointed in accordance with the appointment process set forth in paragraph (2) of subsection b. of section 31 of P.L.2019, c.153 (C.24:6I-24), whichever date is later, and notwithstanding the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to the contrary, the commission, after consultation with the Attorney General, State Treasurer, Commissioner of Health, and Commissioner of Banking and Insurance, shall, immediately upon filing proper notice with the Office of Administrative Law, adopt rules and regulations prepared by the commission necessary or proper to enable it to carry out the commission's duties, functions, and powers with respect to overseeing the development, regulation, and enforcement of activities associated with the personal use of cannabis pursuant to P.L.2021, c.16 (C.24:6I-31 et al.).

(b) The initial rules and regulations adopted pursuant to subparagraph (a) of this paragraph shall be in effect for a period not to exceed one year after the date of filing with the Office of Administrative Law. These rules and regulations shall thereafter be adopted, amended, or readopted, and any subsequent rules and regulations adopted, amended, or readopted, by the commission in accordance with the requirements of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), after consultation with other department heads, as the commission deems appropriate.

(2) On the date of adoption of the initial rules and regulations pursuant to subparagraph (a) of paragraph (1) of this subsection, the provisions of P.L.2021, c.16 (C.24:6I-31 et al.) shall become operative, other than those provisions which were operative immediately upon enactment. Subsequent to the date of adoption of the initial rules and regulations, the commission shall determine the first date thereafter on which cannabis retailers issued licenses and conditional licenses may begin retail sales of personal use cannabis items, which latter date shall not be more than 180 days after the commission's adoption of its initial rules and regulations. The commission shall provide every person or entity issued licenses or conditional licenses by the commission with at least 30 days' notice of this date, and shall also provide this notice to every alternative treatment center deemed to be licensed for personal use cannabis activities pursuant to section 7 of P.L.2009, c.307 (C.24:6I-7), as amended by P.L.2021, c.16 (C.24:6I-31 et al.), whether or not already engaged in retail sales of personal use cannabis items as permitted prior to the retail sales date established pursuant to this paragraph, as set forth in paragraph (3) of subsection a. of section 33 of P.L.2021, c.16 (C.24:6I-46).

7. Section 14 of P.L.2009, c.307 (C.24:6I-12) is amended to read as follows:

C.24:6I-12 Reports to Governor, Legislature.

14. a. The commissioner, or after the effective dates of P.L.2019, c.153 (C.24:6I-5.1 et al.) and P.L.2021, c.16 (C.24:6I-31 et al.), the commission, shall report to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1):

(1) no later than one year after the effective date of P.L.2009, c.307 (C.24:6I-1 et al.), on the actions taken to implement the provisions of P.L.2009, c.307 (C.24:6I-1 et al.); and

(2) annually thereafter on the number of applications for registration with the commission, the number of qualifying patients registered, the number of designated and institutional caregivers registered, the nature of the qualifying medical conditions of the patients, the number of registrations revoked, the number of medical cannabis cultivator, medical cannabis manufacturer, and medical cannabis dispensary permits issued and revoked, the number and type of integrated curricula approved, established, and maintained in connection with an IC permit, the number of testing laboratories licensed, the number of clinical registrant permits issued and the nature of the clinical research conducted by each clinical registrant, any incidents of diversion of medical can-

nabis, information concerning racial, ethnic, disabled veteran, and gender diversity in the individuals issued and currently holding permits issued by the commission, the number of permit applications received from businesses owned by minorities, disabled veterans, and women and the number of such applications that were approved, the business development initiatives undertaken by the Office of Minority, Disabled Veterans, and Women Cannabis Business Development pursuant to section 32 of P.L.2019, c.153 (C.24:6I-25) and the outcomes or effects of those initiatives, statistics concerning arrests for drug offenses throughout the State and in areas where medical cannabis dispensaries are located, including information concerning racial disparities in arrest rates for drug offenses generally and cannabis offenses in particular, the number of motor vehicle stops by law enforcement involving violations of R.S.39:4-50, or section 5 of P.L.1990, c.103 (C.39:3-10.13) concerning operators of commercial motor vehicles, for driving under the influence of medical cannabis, or suspicion thereof, cataloged by the jurisdictions in which the stop occurred, and the race, ethnicity, gender, and age of the vehicle driver and any other vehicle occupants, the number of deliveries of medical cannabis performed and the percentage of total medical cannabis dispensations that were completed by delivery, and the number of health care practitioners authorizing patients for the medical use of cannabis, including the types of license or certification held by those practitioners; and

(3) beginning no later than one year after the effective date of P.L.2021, c.16 (C.24:6I-31 et al.), and annually thereafter in the same report concerning information on medical cannabis activities or a separate report, information on:

(a) the number of citations, arrests, or charges for manufacturing, distributing, or possessing or having under control with the intent to distribute marijuana or hashish in violation of paragraph (12) of subsection b. of N.J.S.2C:35-5, or for obtaining or possessing marijuana or hashish in violation of paragraph (3) of subsection a. of N.J.S.2C:35-10, cataloged by the jurisdictions in which the acts resulting in the citations, arrests, or charges occurred, and the race, ethnicity, gender, and age of the persons cited, arrested, or charged;

(b) the number of motor vehicle stops by law enforcement involving violations of R.S.39:4-50, or section 5 of P.L.1990, c.103 (C.39:3-10.13) concerning operators of commercial motor vehicles, for driving under the influence of personal use cannabis or marijuana, or suspicion thereof, cataloged by the jurisdictions in which the stop occurred, and the race, ethnicity, gender, and age of the vehicle driver and any other vehicle occupants;

(c) the total number of personal use cannabis licenses issued since the distribution of the previous report to the Governor and Legislature, as well as the number for each class of license issued, and the total number and type

of applicants that submitted applications for licenses and whether they were approved, reapproved, or denied; and

(d) the data compiled by the Office of Minority, Disabled Veterans, and Women Cannabis Business Development pursuant to section 32 of P.L.2019, c.153 (C.24:6I-25) about participation in the lawful operation of cannabis establishments, distributors, and delivery services by persons from socially and economically disadvantaged communities, including minority, disabled veterans', and women's business licensing and business development in the personal use cannabis marketplace, and the data shall include the office's analysis of the total number of licenses applied for and issued since the distribution of the previous report to the Governor and Legislature compared with the total number of minority businesses and women's businesses, as these terms are defined in section 2 of P.L.1986, c.195 (C.52:27H-21.18), and disabled veterans' businesses, as defined in section 2 of P.L.2015, c.116 (C.52:32-31.2), that submitted applications for licenses and whether they were approved, reapproved, or denied.

b. The reports shall not contain any identifying information of patients, caregivers, or health care practitioners.

c. (1) Within two years after the effective date of P.L.2009, c.307 (C.24:6I-1 et al.) and every two years thereafter, the commissioner or, after the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.), the commission, shall: evaluate whether there are sufficient numbers of medical cannabis cultivators, medical cannabis manufacturers, medical cannabis dispensaries, and clinical registrants to meet the needs of registered qualifying patients throughout the State; evaluate whether the maximum amount of medical cannabis allowed pursuant to P.L.2009, c.307 (C.24:6I-1 et al.) is sufficient to meet the medical needs of qualifying patients; and determine whether any medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant has charged excessive prices in connection with medical cannabis.

The commissioner or, after the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.), the commission, shall report all such findings no later than two years after the effective date of P.L.2009, c.307 (C.24:6I-1 et al.), and every two years thereafter, to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1).

(2) The commission, beginning no later than one year after the effective date of P.L.2021, c.16 (C.24:6I-31 et al.), may also include in its reports information concerning its periodic evaluation of whether the existing numbers of cannabis cultivators, cannabis manufacturers, cannabis wholesalers, cannabis distributors, cannabis retailers, and cannabis delivery services are sufficient to meet the personal use cannabis market demands of the State, and

actions the commission may take to issue additional cannabis licenses as authorized by paragraph (1) of subsection a. of section 18 of P.L.2021, c.16 (C.24:6I-35), or if there is an oversupply of licenses, as well as information about any increase in the rates of use of marijuana and cannabis by persons under 21 years of age.

8. Section 33 of P.L.2019, c.153 (C.24:6I-26) is amended to read as follows:

C.24:6I-26 Criteria for eligibility as employee.

33. a. No person shall be appointed to or employed by the commission if, during the period commencing three years prior to appointment or employment, the person held any direct or indirect interest in, or any employment by, any holder of, or applicant for, a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant permit pursuant to P.L.2009, c.307 (C.24:6I-1 et al.) or otherwise employs any certified medical cannabis handler to perform transfers or deliveries of medical cannabis, or a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service license pursuant to P.L.2021, c.16 (C.24:6I-31 et al.), or an entity that employs or uses a certified personal use cannabis handler to perform work for or on behalf of a licensed cannabis establishment, distributor, or delivery service; provided, however, that notwithstanding any other provision of law to the contrary, any such person may be appointed to or employed by the commission if the person's prior interest in any such permit holder, license holder, entity, or applicant would not, in the opinion of the commission, interfere with the objective discharge of the person's obligations of appointment or employment, but in no instance shall any person be appointed to or employed by the commission if the person's prior interest in such permit holder, license holder, entity, or applicant constituted a controlling interest in that permit holder, license holder, entity, or applicant; and provided further, however, that notwithstanding any other provision of law to the contrary, any such person may be employed by the commission in a secretarial or clerical position if, in the opinion of the commission, the person's previous employment by, or interest in, any permit holder, license holder, entity, or applicant would not interfere with the objective discharge of the person's employment obligations.

b. Prior to appointment or employment, each member of the commission and each employee of the commission shall swear or affirm that the member or employee, as applicable, possesses no interest in any business or organization issued a medical cannabis cultivator, medical cannabis manufacturer, medical

cannabis dispensary, or clinical registrant permit, or cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service license by the commission, or in any entity that employs or uses a certified personal use cannabis handler to perform work for or on behalf of a licensed cannabis establishment, distributor, or delivery service.

c. (1) Each member of the commission shall file with the State Ethics Commission a financial disclosure statement listing all assets and liabilities, property and business interests, and sources of income of the member and the member's spouse, domestic partner, or partner in a civil union couple, as the case may be, and shall also provide to the State Ethics Commission in the same financial disclosure statement a list of all assets and liabilities, property and business interests, and sources of income of each dependent child or stepchild, recognized by blood or by law, of the member, or of the spouse, domestic partner, or partner in a civil union couple residing in the same household as the member. Each statement shall be under oath and shall be filed at the time of appointment and annually thereafter.

(2) Each employee of the commission, except for secretarial and clerical personnel, shall file with the State Ethics Commission a financial disclosure statement listing all assets and liabilities, property and business interests, and sources of income of the employee and the employee's spouse, domestic partner, or partner in a civil union couple, as the case may be. Such statement shall be under oath and shall be filed at the time of employment and annually thereafter. Notwithstanding the provisions of subsection (n) of section 10 of P.L.1971, c.182 (C.52:13D-21), only financial disclosure statements filed by a commission employee who is in a policy-making management position shall be posted on the Internet website of the State Ethics Commission.

9. Section 34 of P.L.2019, c.153 (C.24:6I-27) is amended to read as follows:

C.24:6I-27 Applicability of C.52:13D-12 et seq.; Code of Ethics.

34. a. The "New Jersey Conflicts of Interest Law," P.L.1971, c.182 (C.52:13D-12 et seq.) shall apply to members of the commission and to all employees of the commission, except as herein specifically provided.

b. (1) The commission shall promulgate and maintain a Code of Ethics that is modeled upon the Code of Judicial Conduct of the American Bar Association, as amended and adopted by the Supreme Court of New Jersey.

(2) The Code of Ethics promulgated and maintained by the commission shall not be in conflict with the laws of this State, except, however, that the Code of Ethics may be more restrictive than any law of this State.

c. The Code of Ethics promulgated and maintained by the commission, and any amendments or restatements thereof, shall be submitted to the State Ethics Commission for approval. The Code of Ethics shall include, but not be limited to, provisions that:

(1) No commission member or employee shall be permitted to enter and engage in any activities, nor have any interest, directly or indirectly, in any medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant issued a permit by the commission in accordance with P.L.2009, c.307 (C.24:6I-1 et al.) or any entity that employs any certified medical cannabis handler to perform transfers or deliveries of medical cannabis, or any cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service issued a license by the commission in accordance with P.L.2021, c.16 (C.24:6I-31 et al.) or any entity that employs or uses a certified personal use cannabis handler to perform work for or on behalf of a licensed cannabis establishment, distributor, or delivery service, except in the course of the member's or employee's duties; provided that nothing in this paragraph shall be construed to prohibit a member or employee who is a registered qualifying patient, or who is serving as a designated caregiver or institutional caregiver for a registered qualifying patient, from being dispensed medical cannabis consistent with the requirements of P.L.2009, c.307 (C.24:6I-1 et al.); and further provided that nothing in this paragraph shall be construed to prohibit a member or employee from being sold cannabis items by a cannabis retailer as a consumer as authorized by P.L.2021, c.16 (C.24:6I-31 et al.).

(2) No commission member or employee shall solicit or accept employment from any holder of, or applicant for, a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant permit or any entity that employs any certified medical cannabis handler to perform transfers or deliveries of medical cannabis, or a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service license or any entity that employs or uses a certified personal use cannabis handler to perform work for or on behalf of a licensed cannabis establishment, distributor, or delivery service, for a period of two years after termination of service with the commission, except as otherwise provided in section 35 of P.L.2019, c.153 (C.24:6I-28).

(3) No commission member or employee shall act in the member's or employee's official capacity in any matter wherein the member, employee, or the member's or employee's spouse, domestic partner, or partner in a civil

union couple, or child, parent, or sibling has a direct or indirect personal financial interest that might reasonably be expected to impair the member's or employee's objectivity or independence of judgment.

(4) No commission member or employee shall act in the member's or employee's official capacity in a matter concerning any holder of, or applicant for, a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant permit or any entity that employs any certified medical cannabis handler to perform transfers or deliveries of medical cannabis, or a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service license or any entity that employs or uses a certified personal use cannabis handler to perform work for or on behalf of a licensed cannabis establishment, distributor, or delivery service, who is the employer of a spouse, domestic partner, or partner in a civil union couple, or child, parent, or sibling of the commission member or employee when the fact of the employment of the spouse, domestic partner, or partner in a civil union couple, or child, parent, or sibling might reasonably be expected to impair the objectivity and independence of judgment of the commission member or employee.

(5) No spouse, domestic partner, or partner in a civil union couple, or child, parent, or sibling of a commission member shall be employed in any capacity by any holder of, or applicant for, a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant permit or any entity that employs any certified medical cannabis handler to perform transfers or deliveries of medical cannabis, or a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service license or any entity that employs or uses a certified personal use cannabis handler to perform work for or on behalf of a licensed cannabis establishment, distributor, or delivery service, nor by any holding, intermediary, or subsidiary company thereof.

(6) No commission member shall meet with any person, except for any other member of the commission or employee of the commission, or discuss any issues involving any pending or proposed application or any matter whatsoever which may reasonably be expected to come before the commission, or any member thereof, for determination unless the meeting or discussion takes place on the business premises of the commission, provided, however, that commission members may meet to consider matters requiring the physical inspection of equipment or premises at the location of the equipment or premises. All meetings or discussions subject to this paragraph shall be noted in a log maintained for this purpose and available for inspection pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.).

d. No commission member or employee shall have any interest, direct or indirect, in any holder of, or applicant for, a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant permit or any entity that employs any certified medical cannabis handler to perform transfers or deliveries of medical cannabis, or a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service license or any entity that employs or uses a certified personal use cannabis handler to perform work for or on behalf of a licensed cannabis establishment, distributor, or delivery service, during the member's term of office or employee's term of employment.

e. Each commission member and employee shall devote the member's or employee's entire time and attention to the member's or employee's duties, as applicable, and shall not pursue any other business or occupation or other gainful employment; provided, however, that secretarial and clerical personnel may engage in such other gainful employment as shall not interfere with their duties to the commission, unless otherwise directed; and provided further, however, that other employees of the commission may engage in such other gainful employment as shall not interfere or be in conflict with their duties to the commission upon approval by the commission.

f. (1) A member of the commission and the executive director or any other employee of the commission holding a supervisory or policy-making management position shall not make any contribution as that term is defined in "The New Jersey Campaign Contributions and Expenditures Reporting Act," P.L.1973, c.83 (C.19:44A-1 et seq.).

(2) A member or employee of the commission shall not:

(a) use the member's or employee's official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;

(b) directly or indirectly coerce, attempt to coerce, command, or advise any person to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes; or

(c) take any active part in political campaigns or the management thereof; provided, however, that nothing herein shall prohibit a member or employee from voting as the member or employee chooses or from expressing personal opinions on political subjects and candidates.

g. For the purpose of applying the provisions of the "New Jersey Conflicts of Interest Law," any consultant or other person under contract for services to the commission shall be deemed to be a special State employee, except that the restrictions of section 4 of P.L.1981, c.142 (C.52:13D-17.2) shall not apply to such person. Such person and any corporation, firm, or

partnership in which the person has an interest or by which the person is employed shall not represent any person or party other than the commission.

10. Section 35 of P.L.2019, c.153 (C.24:6I-28) is amended to read as follows:

C.24:6I-28 Restrictions for commission members, employees.

35. a. No member of the commission shall hold any direct or indirect interest in, or be employed by, any holder of, or applicant for, a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant permit issued pursuant to P.L.2009, c.307 (C.24:6I-1 et al.) or any entity that employs any certified medical cannabis handler to perform transfers or deliveries of medical cannabis, or a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service license issued pursuant to P.L.2021, c.16 (C.24:6I-31 et al.) or any entity that employs or uses a certified personal use cannabis handler to perform work for or on behalf of a licensed cannabis establishment, distributor, or delivery service, for a period of two years commencing on the date that membership on the commission terminates.

b. (1) No employee of the commission may acquire any direct or indirect interest in, or accept employment with, any holder of, or applicant for, a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant permit or any entity that employs any certified medical cannabis handler to perform transfers or deliveries of medical cannabis, or a cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service license or any entity that employs or uses a certified personal use cannabis handler to perform work for or on behalf of a licensed cannabis establishment, distributor, or delivery service, for a period of two years commencing at the termination of employment with the commission, except that a secretarial or clerical employee of the commission may accept such employment at any time after the termination of employment with the commission. At the end of two years and for a period of two years thereafter, a former employee who held a policy-making management position at any time during the five years prior to termination of employment may acquire an interest in, or accept employment with, any holder of, or applicant for, a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant permit or any entity that employs any certified medical cannabis handler to perform transfers or deliveries of medical cannabis, or a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or

cannabis delivery service license or any entity that employs or uses a certified personal use cannabis handler to perform work for or on behalf of a licensed cannabis establishment, distributor, or delivery service, upon application to, and the approval of, the commission, upon a finding that the interest to be acquired or the employment will not create the appearance of a conflict of interest and does not evidence a conflict of interest in fact.

(2) Notwithstanding the provisions of this subsection, if the employment of a commission employee, other than an employee who held a policy-making management position at any time during the five years prior to termination of employment, is terminated as a result of a reduction in the workforce at the commission, the employee may, at any time prior to the end of the two-year period, accept employment with any holder of, or applicant for, a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant permit or any entity that employs any certified medical cannabis handler to perform transfers or deliveries of medical cannabis, or a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service license or any entity that employs or uses a certified personal use cannabis handler to perform work for or on behalf of a licensed cannabis establishment, distributor, or delivery service, upon application to, and the approval of, the commission, upon a finding that the employment will not create the appearance of a conflict of interest and does not evidence a conflict of interest in fact. The commission shall take action on an application within 30 days of receipt and an application may be submitted to the commission prior to or after the commencement of the employment.

c. No commission member or employee shall represent any person or party other than the State before or against the commission for a period of two years from the termination of office or employment with the commission.

d. No partnership, firm, or corporation in which a former commission member or employee has an interest, nor any partner, officer, or employee of any such partnership, firm, or corporation shall make any appearance or representation which is prohibited to the former member or employee.

11. Section 36 of P.L.2019, c.153 (C.24:6I-29) is amended to read as follows:

C.24:6I-29 Certain persons prohibited from association with medical cannabis.

36. a. (1) No holder of, or applicant for, a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant permit issued pursuant to P.L.2009, c.307 (C.24:6I-1 et al.) or any entity that employs any certified medical cannabis handler to perform transfers

or deliveries of medical cannabis, or a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service license issued pursuant to P.L.2021, c.16 (C.24:6I-31 et al.) or any entity that employs or uses a certified personal use cannabis handler to perform work for or on behalf of a licensed cannabis establishment, distributor, or delivery service, shall employ or offer to employ, or provide, transfer, or sell, or offer to provide, transfer, or sell any interest, direct or indirect, in any medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant permit holder, or any cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service license holder, to any person restricted from such transactions by the provisions of sections 33 through 35 of P.L.2019, c.153 (C.24:6I-26 through C.24:6I-28).

(2) In addition to any civil penalty imposed pursuant to subsection c. of this section, the commission may deny an application, or revoke or suspend a permit holder's permit or license holder's license, for committing a violation of this subsection.

b. (1) A member or employee of the commission who makes or causes to be made a political contribution prohibited under subsection f. of section 34 of P.L.2019, c.153 (C.24:6I-27) is guilty of a crime of the fourth degree, but notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a fine not to exceed \$200,000 may be imposed.

(2) A member or employee of the commission who willfully violates any other provisions in sections 33 through 35 of P.L.2019, c.153 (C.24:6I-26 through C.24:6I-28) is guilty of a disorderly persons offense.

c. The State Ethics Commission, established pursuant to the "New Jersey Conflicts of Interest Law," P.L.1971, c.182 (C.52:13D-12 et seq.), shall enforce the provisions of sections 33 through 36 of P.L.2019, c.153 (C.24:6I-26 through C.24:6I-29), and upon a finding of a violation, impose a civil penalty of not less than \$500 nor more than \$10,000, which penalty may be collected in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). If a violation also represents a crime or disorderly persons offense as set forth in subsection b. of this section, the State Ethics Commission shall also refer the matter to the Attorney General or appropriate county prosecutor for further investigation and prosecution.

12. Section 2 of P.L.1971, c.182 (C.52:13D-13) is amended to read as follows:

C.52:13D-13 Definitions.

2. As used in this act, and unless a different meaning clearly appears from the context, the following terms shall have the following meanings:

a. "State agency" means any of the principal departments in the Executive Branch of the 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, to the extent consistent with law, any interstate agency to which New Jersey is a party and any independent State authority, commission, instrumentality, or agency. A county or municipality shall not be deemed an agency or instrumentality of the State.

b. "State officer or employee" means any person, other than a special State officer or employee: (1) holding an office or employment in a State agency, excluding an interstate agency, other than a member of the Legislature; or (2) appointed as a New Jersey member to an interstate agency.

c. "Member of the Legislature" means any person elected to serve in the General Assembly or the Senate.

d. "Head of a State agency" means: (1) in the case of the Executive Branch of government, except with respect to interstate agencies, the department head or, if the agency is not assigned to a department, the Governor; and (2) in the case of the Legislative Branch, the chief presiding officer of each House of the Legislature.

e. "Special State officer or employee" means: (1) any person holding an office or employment in a State agency, excluding an interstate agency, for which office or employment no compensation is authorized or provided by law, or no compensation other than a sum in reimbursement of expenses, whether payable per diem or per annum, is authorized or provided by law; (2) any person, not a member of the Legislature, holding a part-time elective or appointive office or employment in a State agency, excluding an interstate agency; or (3) any person appointed as a New Jersey member to an interstate agency the duties of which membership are not full-time.

f. "Person" means any natural person, association or corporation.

g. "Interest" means: (1) the ownership or control of more than 10 percent of the profits or assets of a firm, association, or partnership, or more than 10 percent of the stock in a corporation for profit other than a professional service corporation organized under the "Professional Service Corporation Act," P.L.1969, c.232 (C.14A:17-1 et seq.); or (2) the ownership or control of more than one percent of the profits of a firm, association, or partnership, or more than one percent of the stock in any corporation, (a) which is the holder of, or an applicant for, a casino license or in any holding or intermediary company

with respect thereto, as defined by the "Casino Control Act," P.L.1977, c.110 (C.5:12-1 et seq.), (b) which is the holder of, or an applicant for, a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant permit issued pursuant to P.L.2009, c.307 (C.24:6I-1 et al.), or any holding or intermediary company with respect thereto, or (c) which is the holder of, or an applicant for, a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service license issued pursuant to P.L.2021, c.16 (C.24:6I-31 et al.), or which is an entity that employs or uses a certified personal use cannabis handler to perform work for or on behalf of a licensed cannabis establishment, distributor, or delivery service, or any holding or intermediary company with respect thereto. The provisions of this act governing the conduct of individuals are applicable to shareholders, associates or professional employees of a professional service corporation regardless of the extent or amount of their shareholder interest in such a corporation.

h. "Cause, proceeding, application or other matter" means a specific cause, proceeding or matter and does not mean or include determinations of general applicability or the preparation or review of legislation which is no longer pending before the Legislature or the Governor.

i. "Member of the immediate family" of any person means the person's spouse, domestic partner, civil union partner, child, parent, or sibling residing in the same household.

Title amended.

13. The title of P.L.1981, c.142 is amended to read as follows:

AN ACT concerning casino activity, and personal use and medical cannabis activities, and the conduct of certain elected and appointed public officers and employees as it relates thereto, amending and supplementing P.L.1971, c.182, amending P.L.1977, c.110, P.L.1980, c.28 and P.L.1980, c.69, and repealing section 2 of P.L.1980, c.79.

14. Section 4 of P.L.1981, c.142 (C.52:13D-17.2) is amended to read as follows:

C.52:13D-17.2 Definitions; violations; penalties.

4. a. As used in this section "person" means:

(1) (a) with respect to casino activity, activity related to medical cannabis authorized pursuant to P.L.2009, c.307 (C.24:6I-1 et al.), and activity related to personal use cannabis authorized pursuant to P.L.2021, c.16 (C.24:6I-31 et

al.): the Governor; the President of the Senate; the Speaker of the General Assembly; any full-time member of the Judiciary; any full-time professional employee of the Office of the Governor; 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;

(b) with respect to casino activity: 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; any member of the Legislature; any full-time professional employee of the Legislature; members of the Casino Reinvestment Development Authority; or

(c) with respect to activity related to medical cannabis authorized pursuant to P.L.2009, c.307 (C.24:6I-1 et al.) and activity related to personal use cannabis authorized pursuant to P.L.2021, c.16 (C.24:6I-31 et al.): 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 medical cannabis activity or personal use cannabis activity; any special State officer or employee with responsibility for matters affecting medical cannabis activity or personal use cannabis activity; members of the Cannabis Regulatory Commission; or

(2) (a) 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; or

(b) any member of the governing body or the municipal judge of a municipality, any member of the planning board or zoning board of adjustment, or any professional planner, or consultant regularly employed or retained by such planning board or zoning board of adjustment, of a municipality wherein a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant issued a permit pursuant to P.L.2009, c.307 (C.24:6I-1 et al.), or wherein a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service issued a license pursuant to P.L.2021, c.16 (C.24:6I-31 et al.), is located.

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 (a) a State officer or employee other than a State officer or employee included in the definition of person, and (b) 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 Human Services and the Office of the Secretary of 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, that 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 (a) a State officer or employee other than a State officer or employee included in the definition of person, and (b) 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.

(3) 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 medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant permit issued pursuant to P.L.2009, c.307 (C.24:6I-1 et al.) or any entity that employs any certified medical cannabis handler to perform transfers or deliveries of medical cannabis, or any holding or intermediary company with respect thereto, or a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service license issued pursuant to P.L.2021, c.16 (C.24:6I-31 et al.), or any entity that employs or uses a certified personal use cannabis handler to perform work for or on behalf of a licensed cannabis establishment, distributor, or delivery service, 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 (a) a State officer or employee other than a State officer or employee included in the definition of person, and (b) 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 medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant permit or any entity that employs any certified medical cannabis handler to perform transfers or deliveries of medical cannabis, or a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service license or any entity that employs or uses a certified personal use cannabis handler to perform work for or on behalf of a licensed cannabis establishment, distributor, or delivery service, 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 medical cannabis activity or personal use cannabis activity, excluding those serving in the Departments of Education, Health, and Human Services and the Office of the Secretary of 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 medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant permit or any entity that employs any certified medical cannabis handler to perform transfers or deliveries of medical cannabis, or any holding or intermediary company with respect thereto, or a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service license or any entity that employs or uses a certified personal use cannabis handler to perform work for or on behalf of a licensed cannabis establishment, distributor, or delivery service, 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 medical cannabis activity or personal use cannabis activity may hold employment directly with any holder of or applicant for a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant permit, or any entity that employs any certified medical cannabis handler to perform transfers or deliveries of medical cannabis, or any holding or intermediary company thereof, or a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service license or any entity that employs or uses a certified personal use cannabis handler to perform work for or on behalf of a licensed cannabis establishment, distributor, or delivery service, or any holding or intermediary

company with respect thereto, and if so employed may hold, directly or indirectly, an interest in, or represent, appear for, or negotiate on behalf of, that employer, except as otherwise prohibited by law.

c. (1) 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:

(a) 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;

(b) 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 paragraph (2) of subsection e. of section 59 and section 60 of P.L.1977, c.110 (C.5:12-59 and C.5:12-60); and

(c) any partnership, firm, or corporation engaged in the practice of law or in providing any other professional services with which any person included in subparagraphs (a) and (b) of 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 (i) is screened from personal participation in any such representation, appearance or negotiation; and (ii) 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 subparagraph shall not apply to a former Governor, Lieutenant Governor, Attorney General, member of the Legislature, person included in subparagraph (a) of paragraph (2) of subsection a. of this section, or to the members of their immediate families.

(2) No person or any member of the person's immediate family, nor any partnership, firm, or corporation with which such person is associated or in which the person has an interest, nor any partner, officer, director, or employee while the person 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 medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant permit issued pursuant to P.L.2009, c.307 (C.24:6I-1 et al.) or any entity that employs any certified medical cannabis handler to perform transfers or deliveries of medical cannabis, or a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service license issued pursuant to P.L.2021, c.16 (C.24:6I-31 et al.) or any entity that employs or uses a certified personal use cannabis handler to perform work for or on behalf of a licensed cannabis establishment, distributor, or delivery service in connection with any cause, application, or matter, or any holding or intermediary company with respect to such holder of, or applicant for, a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant permit or any entity that employs any certified medical cannabis handler to perform transfers or deliveries of medical cannabis, or a cannabis cultivator, cannabis manufacturer,

cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service license or any entity that employs or uses a certified personal use cannabis handler to perform work for or on behalf of a licensed cannabis establishment, distributor, or delivery service in connection with any phase of development, permitting, licensure, or any other matter whatsoever related to medical cannabis activity or personal use cannabis activity, except as provided in section 3 of P.L.2009, c.26 (C.52:13D-17.3), and except that:

(a) a member of the immediate family of a person may hold employment with the holder of, or applicant for, a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant permit issued pursuant to P.L.2009, c.307 (C.24:6I-1 et al.) or any entity that employs any certified medical cannabis handler to perform transfers or deliveries of medical cannabis, or a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service license issued pursuant to P.L.2021, c.16 (C.24:6I-31 et al.) or any entity that employs or uses a certified personal use cannabis handler to perform work for or on behalf of a licensed cannabis establishment, distributor, or delivery service 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;

(b) 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 medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant permit or any entity that employs any certified medical cannabis handler to perform transfers or deliveries of medical cannabis, or a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service license or any entity that employs or uses a certified personal use cannabis handler to perform work for or on behalf of a licensed cannabis establishment, distributor, or delivery service 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-service or post-employment restrictions applicable to members and employees of the Cannabis Regulatory Commission pursuant to paragraph (2) of subsection c. of section 34 and section 35 of P.L.2019, c.153 (C.24:6I-27 and C.24:6I-28); and

(c) any partnership, firm, or corporation engaged in the practice of law or in providing any other professional services with which any person included in subparagraphs (a) and (c) of 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 medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant permit or any entity that employs any certified medical cannabis handler to perform transfers or deliveries of medical cannabis, or a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service license or any entity that employs or uses a certified personal use cannabis handler to perform work for or on behalf of a licensed cannabis establishment, distributor, or delivery service 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 medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant permit or any entity that employs any certified medical cannabis handler to perform transfers or deliveries of medical cannabis, or a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service license or any entity that employs or uses a certified personal use cannabis handler to perform work for or on behalf of a licensed cannabis establishment, distributor, or delivery service in connection with any phase of development, permitting, licensing, or any other matter whatsoever related to medical cannabis activity or personal use cannabis 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 (i) is screened from personal participation in any such representation, appearance or negotiation; and (ii) 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 subparagraph shall not apply to a former Governor, Lieutenant Governor, Attorney General, the President of the Senate, the Speaker of the General Assembly, to a person included in subparagraph (b) of 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, medical cannabis, or personal use cannabis 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, medical cannabis permit, personal use cannabis license, or any entity that employs or uses a certified personal use cannabis handler to perform work for or on behalf of a licensed cannabis establishment, distributor, or delivery service, or any holding or intermediary company thereof.

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, medical cannabis activity, or personal use cannabis activity.

f. (1) 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.

(2) No person shall solicit or accept, directly or indirectly, any complimentary service or discount from any holder of, or applicant for, a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant permit issued pursuant to P.L.2009, c.307 (C.24:6I-1 et al.) or any entity that employs any certified medical cannabis handler to perform transfers or deliveries of medical cannabis, or a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service license issued pursuant to P.L.2021, c.16 (C.24:6I-31 et al.) or any entity that employs or uses a certified personal use cannabis handler to perform work for or on behalf of a licensed cannabis establishment, distributor, or delivery service which the person 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. (1) No person shall influence, or attempt to influence, by use of his official authority, the decision of the Casino Control Commission or the investigation of the Division of Gaming Enforcement in any application for casino 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.

(2) No person shall influence, or attempt to influence, by use of the person's official authority, the decision of the Cannabis Regulatory Commission in any application for a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant permit, or a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service license, or in any proceeding to enforce the provisions of P.L.1981, c.142 (C.52:13D-17.2 et al.), P.L.2009, c.307 (C.24:6I-1 et al.), P.L.2021, c.16 (C.24:6I-31 et al.), or the regulations of the Cannabis Regulatory 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 permit or license application, or any proceeding to enforce the provisions of P.L.1981, c.142 (C.52:13D-17.2 et al.), P.L.2009, c.307 (C.24:6I-1 et al.), P.L.2021, c.16 (C.24:6I-31 et al.), or the regulations of the Cannabis Regulatory 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.).

15. Section 32 of P.L.2019, c.153 (C.24:6I-25) is amended to read as follows:

C.24:6I-25 Office of Minority, Disabled Veterans, and Women Cannabis Business Development.

32. a. There is hereby established in the commission an Office of Minority, Disabled Veterans, and Women Cannabis Business Development. The office shall be under the immediate supervision of a director. The director of the office shall be appointed by the Governor, and shall serve at the pleasure of the appointing Governor during the Governor's term of office and until a successor has been duly appointed and qualified. Any vacancy in the directorship occurring for any reason other than the expiration of the director's term of office shall be filled for the unexpired term only in the same manner as the original appointment. The director shall receive an annual salary as

provided by law which shall be at an amount not to exceed the annual salary of the executive director of the commission.

b. (1) The office shall establish and administer, under the direction of the commission, unified practices and procedures for promoting participation in the medical cannabis and personal use cannabis industries by persons from socially and economically disadvantaged communities, including by prospective and existing ownership of minority businesses and women's businesses, as these terms are defined in section 2 of P.L.1986, c.195 (C.52:27H-21.18), and disabled veterans' businesses as defined in section 2 of P.L.2015, c.116 (C.52:32-31.2), to be issued medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, and clinical registrant permits, or cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, and cannabis delivery service licenses. These unified practices and procedures shall include the certification and subsequent recertification at regular intervals of a business as a minority or women's business, or a disabled veterans' business, in accordance with eligibility criteria and a certification application process established by the commission through regulation in consultation with the office.

(2) The office shall conduct advertising and promotional campaigns, and shall disseminate information to the public, to increase awareness for participation in the medical cannabis and personal use cannabis industries by persons from socially and economically disadvantaged communities. To this end, the office shall sponsor seminars and informational programs, and shall provide information on the commission's Internet website, providing practical information concerning the medical cannabis and personal use cannabis industries, including information on business management, marketing, and other related matters.

c. (1) The office shall develop, recommend, and implement policies, practices, protocols, standards, and criteria designed to promote the formulation of medical cannabis business entities and personal use cannabis establishments, distributors, and delivery services and participation in the medical cannabis and personal use cannabis industries by persons from socially and economically disadvantaged communities, including by promoting applications for, and the issuance of, medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, and clinical registrant permits, and cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, and cannabis delivery services licenses, to certified minority, women's, and disabled veterans' businesses.

(a) The office shall evaluate the effectiveness of the measures designed to promote participation in the medical cannabis industry by considering

whether the measures have resulted in new medical cannabis cultivator, medical cannabis manufacturer, and medical cannabis dispensary permits being issued in accordance with the provisions of subsection g. of section 12 of P.L.2019, c.153 (C.24:6I-7.2).

(b) The effectiveness of the office's measures designed to promote participation in the personal use cannabis industry shall be assessed by considering whether the measures have resulted in not less than 30 percent of the total number of licenses issued by the commission for personal use cannabis establishments, distributors, and delivery services under P.L.2021, c.16 (C.24:6I-31 et al.) being issued to minority, women's, and disabled veterans' businesses certified in accordance with the certification process established by the office pursuant to paragraph (1) of subsection b. of this section. Of the resulting total number of licenses issued for personal use cannabis establishments, distributors, and delivery services, the effectiveness of the office's measures shall be further assessed by considering whether those measures have resulted in not less than 15 percent of the licenses being issued to certified minority businesses, and not less than 15 percent of the licenses being issued to certified women's and disabled veterans' businesses.

(2) The office shall periodically analyze the total number of permits and licenses issued by the commission as compared with the number of certified minority, women's, and disabled veterans' businesses that submitted applications for, and that were awarded, such permits and licenses. The office shall make good faith efforts to establish, maintain, and enhance the measures designed to promote the formulation and participation in the operation of medical cannabis entities and personal use cannabis establishments, distributors, and delivery services by persons from socially and economically disadvantaged communities consistent with the standards set forth in paragraph (1) of this subsection, and to coordinate and assist the commission with respect to its incorporation of these permitting and licensing measures into the application and review process for issuing permits and licenses under P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2021, c.16 (C.24:6I-31 et al.).

d. The office may review the commission's measures regarding participation in the medical cannabis and personal use cannabis industries by persons from socially and economically disadvantaged communities, and minority, women's, and disabled veterans' businesses, and make recommendations on relevant policy and implementation matters for the improvement thereof. The office may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of its mission.

e. The office shall prepare information regarding its activities pursuant to this section concerning participation in the medical cannabis and personal use

cannabis industries by persons from socially and economically disadvantaged communities, including medical cannabis and personal use cannabis business development initiatives for minority, women's, and disabled veterans' businesses participating in the medical and person use cannabis marketplaces, to be incorporated by the commission into its annual report submitted to the Governor and to the Legislature pursuant to section 14 of P.L.2009, c.307 (C.24:6I-12).

16. Section 12 of P.L.2019, c.153 (C.24:6I-7.2) is amended to read as follows:

C.24:6I-7.2 Submission of applications to commission.

12. a. Each application for a medical cannabis cultivator permit, medical cannabis manufacturer permit, and medical cannabis dispensary permit, and each application for annual renewal of such permit, including permit and renewal applications for microbusinesses that meet the requirements of subsection e. of section 11 of P.L.2019, c.153 (C.24:6I-7.1), shall be submitted to the commission. A full, separate application shall be required for each initial permit requested by the applicant and for each location at which an applicant seeks to operate, regardless of whether the applicant was previously issued a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant permit, and regardless of whether the applicant currently holds a medical cannabis cultivator, medical cannabis manufacturer, or medical cannabis dispensary permit. Renewal applications shall be submitted to the commission on a form and in a manner as shall be specified by the commission no later than 90 days before the date the current permit will expire.

b. An initial permit application shall be evaluated according to criteria to be developed by the commission. The commission shall determine the point values to be assigned to each criterion, which shall include bonus points for applicants who are residents of New Jersey.

c. The criteria to be developed by the commission pursuant to subsection b. of this section shall include, in addition to the criteria set forth in subsections d. and e. of this section and any other criteria developed by the commission, an analysis of the applicant's operating plan, excluding safety and security criteria, which shall include the following:

(1) In the case of an applicant for a medical cannabis cultivator permit, the operating plan summary shall include a written description concerning the applicant's qualifications for, experience in, and knowledge of each of the following topics:

(a) State-authorized cultivation of medical cannabis;

- (b) conventional horticulture or agriculture, familiarity with good agricultural practices, and any relevant certifications or degrees;
 - (c) quality control and quality assurance;
 - (d) recall plans;
 - (e) packaging and labeling;
 - (f) inventory control and tracking software or systems for the production of medical cannabis;
 - (g) analytical chemistry and testing of medical cannabis;
 - (h) water management practices;
 - (i) odor mitigation practices;
 - (j) onsite and offsite recordkeeping;
 - (k) strain variety and plant genetics;
 - (l) pest control and disease management practices, including plans for the use of pesticides, nutrients, and additives;
 - (m) waste disposal plans; and
 - (n) compliance with applicable laws and regulations.
- (2) In the case of an applicant for a medical cannabis manufacturer permit, the operating plan summary shall include a written description concerning the applicant's qualifications for, experience in, and knowledge of each of the following topics:
- (a) State-authorized manufacture and creation of cannabis products using appropriate extraction methods, including intended use and sourcing of extraction equipment and associated solvents or intended methods and equipment for non-solvent extraction;
 - (b) pharmaceutical manufacturing, good manufacturing practices, and good laboratory practices;
 - (c) quality control and quality assurance;
 - (d) recall plans;
 - (e) packaging and labeling;
 - (f) inventory control and tracking software or systems for the production of medical cannabis;
 - (g) analytical chemistry and testing of medical cannabis and medical cannabis products and formulations;
 - (h) water management practices;
 - (i) odor mitigation practices;
 - (j) onsite and offsite recordkeeping;
 - (k) a list of product formulations or products proposed to be manufactured with estimated cannabinoid profiles, if known, including varieties with high cannabidiol content;

(l) intended use and sourcing of all non-cannabis ingredients used in the manufacture and creation of cannabis products, including methods to verify or ensure the safety and integrity of those ingredients and their potential to be or contain allergens;

(m) waste disposal plans; and

(n) compliance with applicable laws and regulations.

(3) In the case of an applicant for a medical cannabis dispensary permit, the operating plan summary shall include a written description concerning the applicant's qualifications for, experience in, and knowledge of each of the following topics:

(a) State-authorized dispensation of medical cannabis to qualifying patients;

(b) healthcare, medicine, and treatment of patients with qualifying medical conditions;

(c) medical cannabis product evaluation procedures;

(d) recall plans;

(e) packaging and labeling;

(f) inventory control and point-of-sale software or systems for the sale of medical cannabis;

(g) patient counseling procedures;

(h) the routes of administration, strains, varieties, and cannabinoid profiles of medical cannabis and medical cannabis products;

(i) odor mitigation practices;

(j) onsite and offsite recordkeeping;

(k) compliance with State and federal patient privacy rules;

(l) waste disposal plans; and

(m) compliance with applicable laws and regulations.

d. The criteria to be developed by the commission pursuant to subsection b. of this section shall include, in addition to the criteria set forth in subsections c. and e. of this section and any other criteria developed by the commission, an analysis of the following factors, if applicable:

(1) The applicant's environmental impact plan.

(2) A summary of the applicant's safety and security plans and procedures, which shall include descriptions of the following:

(a) plans for the use of security personnel, including contractors;

(b) the experience or qualifications of security personnel and proposed contractors;

(c) security and surveillance features, including descriptions of any alarm systems, video surveillance systems, and access and visitor management systems, along with drawings identifying the proposed locations for surveillance cameras and other security features;

(d) plans for the storage of medical cannabis and medical cannabis products, including any safes, vaults, and climate control systems that will be utilized for this purpose;

(e) a diversion prevention plan;

(f) an emergency management plan;

(g) procedures for screening, monitoring, and performing criminal history record background checks of employees;

(h) cybersecurity procedures, including, in the case of an applicant for a medical cannabis dispensary permit, procedures for collecting, processing, and storing patient data, and the applicant's familiarity with State and federal privacy laws;

(i) workplace safety plans and the applicant's familiarity with federal Occupational Safety and Health Administration regulations;

(j) the applicant's history of workers' compensation claims and safety assessments;

(k) procedures for reporting adverse events; and

(l) a sanitation practices plan.

(3) A summary of the applicant's business experience, including the following, if applicable:

(a) the applicant's experience operating businesses in highly-regulated industries;

(b) the applicant's experience in operating alternative treatment centers and related medical cannabis production and dispensation entities under the laws of New Jersey or any other state or jurisdiction within the United States; and

(c) the applicant's plan to comply with and mitigate the effects of 26 U.S.C. s.280E on cannabis businesses, and for evidence that the applicant is not in arrears with respect to any tax obligation to the State.

In evaluating the experience described under subparagraphs (a), (b), and (c) of this paragraph, the commission shall afford the greatest weight to the experience of the applicant itself, controlling owners, and entities with common ownership or control with the applicant; followed by the experience of those with a 15 percent or greater ownership interest in the applicant's organization; followed by significantly involved persons in the applicant's organization; followed by other officers, directors, and current and prospective employees of the applicant who have a bona fide relationship with the applicant's organization as of the date of the application.

(4) A description of the proposed location for the applicant's site, including the following, if applicable:

(a) the proposed location, the surrounding area, and the suitability or advantages of the proposed location, along with a floor plan and optional renderings or architectural or engineering plans;

(b) the submission of zoning approvals for the proposed location, which shall consist of a letter or affidavit from appropriate municipal officials that the location will conform to municipal zoning requirements allowing for such activities related to the cultivation, manufacturing, or dispensing of medical cannabis, cannabis products, and related supplies as will be conducted at the proposed facility; and

(c) the submission of proof of local support for the suitability of the location, which may be demonstrated by a resolution adopted by the municipality's governing body indicating that the intended location is appropriately located or otherwise suitable for such activities related to the cultivation, manufacturing, or dispensing of medical cannabis, cannabis products, and related supplies as will be conducted at the proposed facility.

Notwithstanding any other provision of this subsection, an application shall be disqualified from consideration unless it includes documentation demonstrating that the applicant will have final control of the premises upon approval of the application, including, but not limited to, a lease agreement, contract for sale, title, deed, or similar documentation. In addition, if the applicant will lease the premises, the application will be disqualified from consideration unless it includes certification from the landlord that the landlord is aware that the tenant's use of the premises will involve activities related to the cultivation, manufacturing, or dispensing of medical cannabis and medical cannabis products. An application shall not be disqualified from consideration if the application does not include the materials described in subparagraph (b) or (c) of this paragraph.

(5) A community impact, social responsibility, and research statement, which shall include, but shall not be limited to, the following:

(a) a community impact plan summarizing how the applicant intends to have a positive impact on the community in which the proposed entity is to be located, which shall include an economic impact plan, a description of outreach activities, and any financial assistance or discount plans the applicant will provide to qualifying patients and designated caregivers;

(b) a written description of the applicant's record of social responsibility, philanthropy, and ties to the proposed host community;

(c) a written description of any research the applicant has conducted on the medical efficacy or adverse effects of cannabis use and the applicant's participation in or support of cannabis-related research and educational activities; and

(d) a written plan describing any research and development regarding the medical efficacy or adverse effects of cannabis, and any cannabis-related educational and outreach activities, which the applicant intends to conduct if issued a permit by the commission.

In evaluating the information submitted pursuant to subparagraphs (b) and (c) of this paragraph, the commission shall afford the greatest weight to responses pertaining to the applicant itself, controlling owners, and entities with common ownership or control with the applicant; followed by responses pertaining to those with a 15 percent or greater ownership interest in the applicant's organization; followed by significantly involved persons in the applicant's organization; followed by other officers, directors, and current and prospective employees of the applicant who have a bona fide relationship with the applicant's organization as of the date of the application.

(6) A workforce development and job creation plan, which may include information on the applicant's history of job creation and planned job creation at the proposed facility; education, training, and resources to be made available for employees; any relevant certifications; and a diversity plan.

(7) A business and financial plan, which may include, but shall not be limited to, the following:

(a) an executive summary of the applicant's business plan;

(b) a demonstration of the applicant's financial ability to implement its business plan, which may include, but shall not be limited to, bank statements, business and individual financial statements, net worth statements, and debt and equity financing statements; and

(c) a description of the applicant's plan to comply with guidance pertaining to cannabis issued by the Financial Crimes Enforcement Network under 31 U.S.C. s.5311 et seq., the federal "Bank Secrecy Act", which may be demonstrated by submitting letters regarding the applicant's banking history from banks or credit unions that certify they are aware of the business activities of the applicant, or entities with common ownership or control with the applicant, in any state where the applicant has operated a business related to medical cannabis. For the purposes of this subparagraph, the commission shall consider only bank references involving accounts in the name of the applicant or of an entity with common ownership or control with the applicant. An applicant who does not submit the information described in this subparagraph shall not be disqualified from consideration.

(8) Whether any of the applicant's majority or controlling owners were previously approved by the commission to serve as an officer, director, principal, or key employee of an alternative treatment center, or personal use cannabis establishment, distributor, or delivery service, provided any such

individual served in that capacity at the alternative treatment center for six or more months.

(9) Whether the applicant can demonstrate that its governance structure includes the involvement of a school of medicine or osteopathic medicine licensed and accredited in the United States, or a general acute care hospital, ambulatory care facility, adult day care services program, or pharmacy licensed in New Jersey, provided that:

(a) the school, hospital, facility, or pharmacy has conducted or participated in research approved by an institutional review board related to cannabis involving the use of human subjects, except in the case of an accredited school of medicine or osteopathic medicine that is located and licensed in New Jersey;

(b) the school, hospital, facility, or pharmacy holds a profit share or ownership interest in the applicant's organization of 10 percent or more, except in the case of an accredited school of medicine or osteopathic medicine that is located and licensed in New Jersey; and

(c) the school, hospital, facility, or pharmacy participates in major decision-making activities within the applicant's organization, which may be demonstrated by representation on the board of directors of the applicant's organization.

(10) The proposed composition of the applicant's medical advisory board established pursuant to section 15 of P.L.2019, c.153 (C.24:6I-7.5), if any.

(11) Whether the applicant intends to or has entered into a partnership with a prisoner re-entry program for the purpose of identifying and promoting employment opportunities at the applicant's organization for former inmates and current inmates leaving the corrections system. If so, the applicant shall provide details concerning the name of the re-entry program, the employment opportunities at the applicant's organization that will be made available to the re-entry population, and any other initiatives the applicant's organization will undertake to provide support and assistance to the re-entry population.

(12) Any other information the commission deems relevant in determining whether to grant a permit to the applicant.

e. In addition to the information to be submitted pursuant to subsections c. and d. of this section, the commission shall require all permit applicants, other than applicants for a conditional permit, or for an entity that is a microbusiness pursuant to subsection e. of section 11 of P.L.2019, c.153 (C.24:6I-7.1), to submit an attestation signed by a bona fide labor organization stating that the applicant has entered into a labor peace agreement with such bona fide labor organization. Except in the case of an entity holding an unconverted conditional permit, the maintenance of a labor peace agreement with a bona fide labor organization shall be an ongoing material condition of

maintaining a medical cannabis cultivator, medical cannabis manufacturer, or medical cannabis dispensary permit. The submission of an attestation and maintenance of a labor peace agreement with a bona fide labor organization by an applicant issued a conditional permit pursuant to subsection d. of section 11 of P.L.2019, c.153 (C.24:6I-7.1) shall be a requirement for conversion of a conditional permit into a full permit. The failure to enter into a collective bargaining agreement within 200 days after the date that a medical cannabis cultivator, medical cannabis manufacturer, or medical cannabis dispensary first opens shall result in the suspension or revocation of such permit or conditional permit.

In reviewing initial permit applications, the commission shall give priority to the following, regardless of whether there is any competition among applicants for a particular type of permit:

(1) Applicants that are party to a collective bargaining agreement with a bona fide labor organization that currently represents, or is actively seeking to represent, cannabis workers in New Jersey.

(2) Applicants that are party to a collective bargaining agreement with a bona fide labor organization that currently represents cannabis workers in another state.

(3) Applicants that include a significantly involved person or persons lawfully residing in New Jersey for at least two years as of the date of the application.

(4) Applicants that submit a signed project labor agreement with a bona fide building trades labor organization, which is a form of pre-hire collective bargaining agreement covering terms and conditions of a specific project, including labor issues and worker grievances associated with that project, for the construction or retrofit of the facilities associated with the permitted entity.

(5) Applicants that submit a signed project labor agreement with a bona fide labor organization for any other applicable project associated with the permitted entity.

As used in this subsection, "bona fide labor organization" means a labor organization of any kind or employee representation committee, group, or association, in which employees participate and which exists and is constituted for the purpose, in whole or in part, of collective bargaining or otherwise dealing with medical or personal use cannabis employers concerning grievances, labor disputes, terms or conditions of employment, including wages and rates of pay, or other mutual aid or protection in connection with employment, and may be characterized by: it being a party to one or more executed collective bargaining agreements with medical or personal use cannabis employers, in this State or another state; it having a written constitution or bylaws in the three

immediately preceding years; it filing the annual financial report required of labor organizations pursuant to subsection (b) of 29 U.S.C. s.431, or it having at least one audited financial report in the three immediately preceding years; it being affiliated with any regional or national association of unions, including but not limited to state and federal labor councils; or it being a member of a national labor organization that has at least 500 general members in a majority of the 50 states of the United States. A bona fide labor organization includes a bona fide building trades labor organization.

f. In reviewing an initial permit application, unless the information is otherwise solicited by the commission in a specific application question, the commission's evaluation of the application shall be limited to the experience and qualifications of the applicant's organization, including controlling owners, any entities with common ownership or control with the applicant, those with a 15 percent or greater interest in the applicant's organization, significantly involved persons in the applicant's organization, the other officers, directors, and current or prospective employees of the applicant's organization who have a bona fide relationship with the applicant's organization as of the date of the application, and consultants and independent contractors who have a bona fide relationship with the applicant as of the date of the application. Responses pertaining to applicants who are exempt from the criminal history record background check requirements of section 7 of P.L.2009, c.307 (C.24:6I-7) shall not be considered. Each applicant shall certify as to the status of the individuals and entities included in the application.

g. The commission shall conduct a disparity study to determine whether race-based measures should be considered when issuing permits pursuant to this section, and shall incorporate the policies, practices, protocols, standards, and criteria developed by the Office of Minority, Disabled Veterans, and Women Cannabis Business Development pursuant to section 32 of P.L.2019, c.153 (C.24:6I-25) to promote participation in the medical cannabis industry by persons from socially and economically disadvantaged communities, including promoting applications for, and the issuance of, medical cannabis cultivator, medical cannabis manufacturer, and medical cannabis dispensary permits to certified minority, women's, and disabled veterans' businesses. To this end, the commission shall seek to issue at least 30 percent of the total number of new medical cannabis cultivator permits, medical cannabis manufacturer permits, and medical cannabis dispensary permits issued on or after the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.) as follows:

(1) at least 15 percent of the total number of new medical cannabis cultivator permits, medical cannabis manufacturer permits, and medical cannabis

dispensary permits are issued to a qualified applicant that has been certified as a minority business pursuant to P.L.1986, c.195 (C.52:27H-21.18 et seq.); and

(2) at least 15 percent of the total number of new medical cannabis cultivator permits, medical cannabis manufacturer permits, and medical cannabis dispensary permits are issued to a qualified applicant that has been certified as a women's business pursuant to P.L.1986, c.195 (C.52:27H-21.18 et seq.) or as a disabled-veterans' business, as defined in section 2 of P.L.2015, c.116 (C.52:32-31.2).

In selecting among applicants who meet these criteria, the commission shall grant a higher preference to applicants with up to two of the certifications described in this subsection.

h. The commission shall give special consideration to any applicant that has entered into an agreement with an institution of higher education to create an integrated curriculum involving the cultivation, manufacturing, dispensing or delivery of medical cannabis, provided that the curriculum is approved by both the commission and the Office of the Secretary of Higher Education and the applicant agrees to maintain the integrated curriculum in perpetuity. An integrated curriculum permit shall be subject to revocation if the IC permit holder fails to maintain or continue the integrated curriculum. In the event that, because of circumstances outside an IC permit holder's control, the IC permit holder will no longer be able to continue an integrated curriculum, the IC permit holder shall notify the commission and shall make reasonable efforts to establish a new integrated curriculum with an institution of higher education, subject to approval by the commission and the Office of the Secretary of Higher Education. If the IC permit holder is unable to establish a new integrated curriculum within six months after the date the current integrated curriculum arrangement ends, the commission shall revoke the entity's IC permit, unless the commission finds there are extraordinary circumstances that justify allowing the permit holder to retain the permit without an integrated curriculum and the commission finds that allowing the permit holder to retain the permit would be consistent with the purposes of P.L.2009, c.307 (C.24:6I-1 et al.), in which case the IC permit shall convert to a regular permit of the same type. The commission may revise the application and permit fees or other conditions for an IC permit as may be necessary to encourage applications for IC permits.

i. Application materials submitted to the commission pursuant to this section shall not be considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.), P.L.2001, c.404 (C.47:1A-5 et al.), or the common law concerning access to government records.

j. If the commission notifies an applicant that it has performed sufficiently well on multiple applications to be awarded more than one permit, the applicant shall notify the commission, within seven business days after receiving such notice, as to which permit type it will accept. For any permit award declined by an applicant pursuant to this subsection, the commission shall, upon receiving notice from the applicant of the declination, award the permit to the applicant for that permit type who, in the determination of the commission, best satisfies the commission's criteria while meeting the commission's determination of Statewide need. If an applicant fails to notify the commission as to which permit it will accept, the commission shall have the discretion to determine which permit it will award to the applicant, based on the commission's determination of Statewide need and other applications submitted for facilities to be located in the affected regions.

k. The provisions of this section shall not apply to any permit applications submitted pursuant to a request for applications published in the New Jersey Register prior to the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.).

17. Section 13 of P.L.2019, c.153 (C.24:6I-7.3) is amended to read as follows:

C.24:6I-7.3 Clinical registrant permits.

13. a. The commission shall issue clinical registrant permits to qualified applicants that meet the requirements of this section. In addition to any other requirements as the commission establishes by regulation regarding application for and issuance of a clinical registrant permit, each clinical registrant applicant shall:

(1) complete a criminal history record background check that meets the requirements of subsection d. of section 7 of P.L.2009, c.307 (C.24:6I-7);

(2) submit to the commission any required application and permit fees;

(3) submit to the commission written documentation of an existing contract with an academic medical center that meets the requirements of subsection c. of this section; and

(4) submit to the commission documentation that the applicant has a minimum of \$15 million in capital.

b. The commission shall, no later than 90 days after the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.) or upon adoption of rules and regulations as provided in subsection c. of section 18 of P.L.2009, c.307 (C.24:6I-16), whichever occurs first, begin accepting and processing applications for five clinical registrant permits. Thereafter, the commission shall accept applications for and issue such additional clinical registrant permits as it determines

to be necessary and consistent with the provisions of P.L.2009, c.307 (C.24:6I-1 et al.). The commission shall make a determination as to a clinical registrant permit application no later than 90 days after receiving the application, which may include a determination that the commission reasonably requires more time to adequately review the application. In reviewing and approving applications for clinical registrant permits, the commission shall seek to incorporate the policies, practices, protocols, standards, and criteria developed by the Office of Minority, Disabled Veterans, and Women Cannabis Business Development pursuant to section 32 of P.L.2019, c.153 (C.24:6I-25) to promote participation in the medical cannabis industry by persons from socially and economically disadvantaged communities. In no case shall the commission accept, process, or approve an application submitted by an applicant that has contracted with an academic medical center that is part of a health care system that includes another academic medical center that has contracted with an applicant for, or a holder of, a clinical registrant permit.

c. A contract between a clinical registrant and an academic medical center shall include a commitment by the academic medical center, or its affiliate, to engage in or oversee clinical research related to the use or adverse effects of cannabis in order to advise the clinical registrant concerning patient health and safety, medical applications, dispensing and management of controlled substances, and ways to mitigate adverse health or societal effects of adult, personal use legalization, among other areas. A clinical registrant issued a permit pursuant to this section shall have a written contractual relationship with no more than one academic medical center.

d. A clinical registrant issued a permit pursuant to this section shall be authorized to engage in all conduct involving the cultivation, manufacturing, and dispensing of medical cannabis as is authorized for an entity holding medical cannabis cultivator, medical cannabis manufacturer, and medical cannabis dispensary permits pursuant to P.L.2009, c.307 (C.24:6I-1 et al.), including dispensing medical cannabis and medical cannabis products to qualifying patients and designated and institutional caregivers. The clinical registrant shall additionally be authorized to engage in clinical research involving medical cannabis using qualifying patients who consent to being part of such research, subject to any restrictions established by the commission.

e. (1) A clinical registrant issued a permit pursuant to this section may conduct authorized activities related to medical cannabis at more than one physical location, provided that each location is approved by the commission and is in the same region in which the academic medical center with which the clinical registrant has a contract is located.

(2) A clinical registrant may apply to the commission for approval to relocate an approved facility to another location in the same region, which application shall be approved unless the commission makes a specific determination that the proposed relocation would be inconsistent with the purposes of P.L.2009, c.307 (C.24:6I-1 et al.). The denial of an application for relocation submitted pursuant to this paragraph shall be considered a final agency decision, subject to review by the Appellate Division of the Superior Court.

(3) The commission may authorize a clinical registrant to dispense medical cannabis and medical cannabis products from more than one physical location if the commission determines that authorizing additional dispensing locations is necessary for the clinical registrant to best serve and treat qualifying patients and clinical trial participants.

(4) In no case shall a clinical registrant operate or be located on land that is valued, assessed or taxed as an agricultural or horticultural use pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.).

f. A clinical registrant permit shall not be sold or transferred to any other entity.

g. Clinical registrant permits shall be valid for the term of the contractual relationship between the academic medical center and the clinical registrant. The commission may renew a clinical registrant permit to correspond to any renewal of the contractual relationship between the academic medical center and the clinical registrant.

h. Each clinical registrant shall submit the results of the clinical research obtained through an approved clinical registrant permit to the commission no later than one year following the conclusion of the research study or publication of the research study in a peer-reviewed medical journal. Nothing in this subsection shall be deemed to require the disclosure of any clinical research that would infringe on the intellectual property of the clinical registrant or on the confidentiality of patient information.

i. Application materials submitted to the commission pursuant to this section shall not be considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.), P.L.2001, c.404 (C.47:1A-5 et al.), or the common law concerning access to records.

C.24:6I-35 Regulation of cannabis.

18. Regulation of Cannabis.

a. The commission shall adopt rules and regulations, pursuant to subsection d. of section 6 of P.L.2021, c.16 (C.24:6I-34), which shall be consistent with the intent of P.L.2021, c.16 (C.24:6I-31 et al.). The commission

may create an expert task force to make recommendations to the commission about the content of such regulations. Such regulations shall include:

(1) Procedures for the application, issuance, denial, renewal, suspension, and revocation of a license or conditional license to operate as a cannabis establishment, distributor, or delivery service. Such procedures shall include a periodic evaluation of whether the number of each class of cannabis establishment, or cannabis distributors or cannabis delivery services, is sufficient to meet the market demands of the State, a result of which is the commission's authority to accept new applications and issue additional licenses as it deems necessary to meet those demands, except as otherwise provided in section 33 of P.L.2021, c.16 (C.24:6I-46) regarding an initial period during which the number of Class 1 Cannabis Cultivator licenses is capped, which limit shall not apply to cannabis cultivator licenses issued to microbusinesses as set forth in that section;

(2) Application, licensure, and renewal of licensure fees;

(3) Incorporation of the licensing goals for applicants for licensure who are New Jersey residents established in P.L.2021, c.16 (C.24:6I-31 et al.). The commission shall make good faith efforts to meet these goals. Qualifications for licensure shall be directly and demonstrably related to the operation of a cannabis establishment, distributor, or delivery service, provided that the commission shall make licenses available to as diverse a group as reasonably practicable, however no license of any kind shall be issued to a person under the legal age to purchase cannabis items;

(4) (a) Incorporation of the licensing measures established by the Office of Minority, Disabled Veterans, and Women Cannabis Business Development pursuant to subparagraph (b) of paragraph (1) of subsection c. of section 32 of P.L.2019, c.153 (C.24:6I-25) to promote the licensing of persons from socially and economically disadvantaged communities, and minority businesses and women's businesses, as these terms are defined in section 2 of P.L.1986, c.195 (C.52:27H-21.18), and disabled veterans' businesses as defined in section 2 of P.L.2015, c.116 (C.52:32-31.2). The commission shall coordinate with the office with respect to the incorporation of these licensing measures;

(b) Procedures, to monitor the incorporated licensing measures established by the Office of Minority, Disabled Veterans, and Women Cannabis Business Development, which shall include a verification, as part of the application process for licensure or license renewal, of a minority, women's, or disabled veterans' business certification provided to that business by the office pursuant to paragraph (1) of subsection b. of section 32 of P.L.2019, c.153 (C.24:6I-25), or verification of an application for certification under

review by the office pursuant to that paragraph, which review is occurring simultaneous to the application for licensure or license renewal;

(5) Security requirements for cannabis establishments and transportation of cannabis and cannabis items;

(6) Requirements to prevent the sale or diversion of cannabis items to persons under the legal age to purchase cannabis items, including, but not limited to, requirements that:

(a) All licensees and licensee representatives, before permitting entrance to a cannabis establishment and selling or serving cannabis items to any person, shall require such person to produce one of the following pieces of identification:

(i) The person's United States passport, or other country's passport or proper government-issued documentation for international travel if a citizen or other lawfully recognized resident of that country, who is lawfully permitted to possess and use that country's passport or government-issued documentation for purposes of identification in the United States;

(ii) The person's motor vehicle driver's license, whether issued by New Jersey or by any other state, territory, or possession of the United States, or the District of Columbia, provided the license displays a picture of the person;

(iii) A New Jersey identification card issued by the New Jersey Motor Vehicle Commission; or

(iv) Any other identification card issued by a state, territory, or possession of the United States, the District of Columbia, or the United States that bears a picture of the person, the name of the person, the person's date of birth, and a physical description of the person;

(b) No cannabis establishment, distributor, or delivery service shall employ persons under 18 years of age nor shall any cannabis retailer allow persons under the legal age to purchase cannabis items, other than a person employed by the retailer, to enter or remain on the premises of a cannabis retailer unless accompanied by a parent or legal guardian;

(c) Packaging and branding regulations to prevent the marketing of cannabis items and cannabis paraphernalia to people under the legal age to purchase cannabis items;

(d) No edible cannabis products shall be manufactured, marketed, or sold that are in the shape of, or a shape bearing the likeness or containing characteristics of, a realistic or fictional human, animal, or fruit, or part thereof, including artistic, caricature, or cartoon renderings;

(7) Labeling and packaging requirements for cannabis items sold or distributed by a cannabis establishment, including, but not limited to, the affixing of a tracking stamp to containers or packaging as set forth in section 29 of P.L.2019, c.153 (C.24:61-22) and requirements that:

(a) Cannabis items and cannabis paraphernalia are not packaged, branded, or marketed using any statement, illustration, or image that:

- (i) Includes false, deceptive, or misleading statements;
- (ii) Promotes over-consumption;
- (iii) Depicts a child or other person under legal age consuming cannabis items; or

(iv) Includes objects, such as toys, characters, or cartoon characters suggesting the presence of a person under the legal age to purchase cannabis items, or any other depiction designed in any manner to be especially appealing to persons under the legal age to purchase cannabis items;

(b) Ensure cannabis items are packaged in opaque, child-resistant special packaging, or if applicable to a particular cannabis item, child resistant special packaging for liquid nicotine containers, in accordance with the “Poison Prevention Packaging Act of 1970,” 15 U.S.C. s.1471 et seq., and the associated regulations promulgated thereunder, except that these child-resistant packaging requirements shall not apply to any cannabis item obtained from a cannabis retailer or alternative treatment center for immediate, on-premises consumption at that retailer’s or center’s cannabis consumption area as permitted pursuant to section 28 of P.L.2019, c.153 (C.24:6I-21);

(c) Cannabis items warning labels adequately inform consumers about safe cannabis use and warn of the consequences of misuse or overuse;

(d) Labeling rules that mandate clear identification of health and safety information, including, but not limited to:

- (i) Net weight;
- (ii) Production date and expiration date;
- (iii) For a cannabis product, cannabis extract, or other cannabis resin, an ingredient list that includes, but is not limited to, all ingredients used to manufacture the cannabis product, any other inactive or excipient ingredients besides cannabis, and a list of all potential allergens contained within the product;
- (iv) Strain or type of cannabis, listed by scientific terms, if available, and generic or “slang” names;

(v) Whether the product requires refrigeration;

(vi) Growth method, whether dirt grown, hydroponic, or otherwise, and an indication whether the cannabis was grown using all-organic materials, and a complete list of any nonorganic pesticides, fungicides and herbicides used during the cultivation of the cannabis;

(vii) For a cannabis product, serving size, the total number of servings, and a statement regarding the percentage of THC contained in the cannabis product and in each serving. For example: “The serving size of active THC

in this product is X mg. This product contains X servings of cannabis, and the total amount of active THC in this product is X mg.”;

(viii) Warning labels that include the nationwide toll-free telephone number used to access poison control centers that is maintained in accordance with 42 U.S.C. s.300d-71, as well as include, but are not limited to, one or more of the following statements, if applicable to a particular cannabis item:

- “This product contains cannabis”;
- “This product is infused with cannabis”;
- “This product is intended for use by adults 21 years of age or older. Keep out of the reach of children”;
- “The intoxicating effects of this product may be delayed by two or more hours”;
- “There may be health risks associated with the consumption of this product, including for women who are pregnant, breastfeeding, or planning on becoming pregnant”;
- “Do not drive a motor vehicle or operate heavy machinery while using this product”;

(e) Labeling rules that mandate the source of a cannabis item, including, but not limited to, the license number of the cannabis cultivator where the usable cannabis used for the cannabis item was grown, the license number of the cannabis manufacturer that manufactured the cannabis item, and the license number of the cannabis retailer that sold the cannabis item and the production batch and lot number of the cannabis item;

(8) Health and safety regulations and standards for the cultivation of cannabis, and the manufacture and sale of cannabis items, including, but not limited to, requirements that:

(a) Establish accreditation and licensure criteria for cannabis testing facilities, which shall include, as a condition for licensure, the maintenance of a labor peace agreement and entrance into, or good faith effort to enter into, a collective bargaining agreement in accordance with subsection c. of section 19 of P.L.2021, c.16 (C.24:6I-36). The commission shall also incorporate the licensing measures established by the Office of Minority, Disabled Veterans, and Women Cannabis Business Development, and the assessment of their effectiveness, pursuant to subparagraph (b) of paragraph (1) of subsection c. of section 32 of P.L.2019, c.153 (C.24:6I-25), and apply them to the licensing of cannabis testing facilities in order to promote the licensing of persons from socially and economically disadvantaged communities, and minority businesses and women’s businesses, as these terms are defined in section 2 of P.L.1986, c.195 (C.52:27H-21.18), and disabled veterans’ businesses as defined in section 2 of P.L.2015, c.116 (C.52:32-31.2). The license

shall permit a cannabis testing facility to test cannabis items in accordance with the provisions set forth in P.L.2021, c.16 (C.24:6I-31 et al.), as well as test medical cannabis and medical cannabis products in accordance with the provisions of the “Jake Honig Compassionate Use Medical Cannabis Act,” P.L.2009, c.307 (C.24:6I-1 et al.);

(b) The commission issue licenses for a sufficient number of cannabis testing facilities, if those facilities:

(i) Meet the requirements for licensure, in order to ensure that the testing of representative samples of cannabis items in accordance with the procedures set forth in paragraph (13) of this subsection can be completed in not more than 14 days following their submission to any facility. Other factors that may be considered by the commission in determining whether a sufficient number of cannabis testing facilities are currently licensed include the current licensees’ experience or expertise in testing highly regulated products, demonstrated testing efficiency and effectiveness, existing research partnerships or capability to form and maintain research partnerships focusing on cannabis or cannabis items, and any other factors established in regulation by the commission; and

(ii) Permit the commission to inspect any licensed cannabis testing facility to determine the condition and calibration of any equipment used for testing, and to ensure that a facility’s testing procedures are performed in accordance with the commission’s accreditation requirements for licensure;

(c) Every licensed cannabis cultivator and cannabis manufacturer shall permit representatives of cannabis testing facilities to make scheduled and unscheduled visits to their premises in order to obtain random samples of cannabis items, in a quantity established by the commission, to be transported to cannabis testing facilities for inspection and testing to certify compliance with health, safety, and potency standards adopted by the commission;

(d) Prescribe methods of producing cannabis, and manufacturing and packaging cannabis items; conditions of sanitation; safe handling requirements; approved pesticides and pesticide testing requirements, to the extent not inconsistent with approved pesticides and requirements otherwise established under federal and State law; and standards of ingredients, quality, and identity of cannabis items manufactured, packaged, or sold by cannabis establishments;

(e) Establish accreditation criteria for responsible cannabis server and seller training and certification programs for cannabis retailer employees;

(f) Provide that no licensed cannabis establishment, distributor, or delivery service, or employee of a cannabis establishment, distributor, or delivery service, shall consume, or allow to be consumed, any cannabis items on the

establishment's, distributor's, or delivery service's premises, except as permitted in a cannabis consumption area or premises' private area for employees as set forth in section 28 of P.L.2019, c.153 (C.24:6I-21);

(g) (i) Set appropriate dosage, potency, and serving size limits for cannabis items, provided that a standardized serving of a cannabis product shall be no more than 10 milligrams of active THC and no individual edible cannabis product for sale shall contain more than 100 milligrams of active THC;

(ii) Require that each single standardized serving of a cannabis product in a multiple-serving edible product is physically demarked in a way that enables a reasonable person to determine how much of the product constitutes a single serving of active THC, and that each standardized serving of the cannabis product shall be easily separable to allow an average person 21 years of age or older to physically separate, with minimal effort, individual servings of the product;

(iii) Require that, if it is impracticable to clearly demark every standardized serving of cannabis product or to make each standardized serving easily separable in an edible cannabis product, the product shall contain no more than 10 milligrams of active THC per unit of sale;

(h) Establish a universal symbol to indicate that a cannabis item contains cannabis, which shall be marked, stamped, or imprinted directly on an edible retail cannabis product, or on each single standardized serving in a multiple-serving edible cannabis product, unless the item is a loose bulk good such as granola or cereal, a powder, a liquid-infused item, or another form too impractical to be marked, stamped, or imprinted;

(i) Prohibit the use of a commercially manufactured or trademarked food product as an edible retail cannabis product, provided that a commercially manufactured or trademarked food product may be used as a component of an edible retail cannabis product or part of a product's recipe so long as the commercially manufactured or trademarked food product is used in a way that renders it unrecognizable in the final edible cannabis product and the product is not advertised as containing the commercially manufactured or trademarked food product;

(j) Establish screening, hiring, training, and supervising requirements for cannabis retailer employees and others who manufacture or handle cannabis items;

(k) Promote general sanitary requirements for the handling, storage, and disposal of cannabis items, and the maintenance of cannabis establishments, and cannabis distribution and cannabis delivery service premises;

(l) Provide for rigorous auditing, inspection, and monitoring of cannabis establishments, distributors, and delivery services for compliance with health and safety rules and regulations;

(m) Require the implementation of security requirements for cannabis retailers and premises where cannabis items are manufactured, and safety protocols for cannabis establishments, distributors, and delivery services, and their employees;

(n) Prescribe reasonable restrictions on the manner, methods, and means by which cannabis cultivators and cannabis distributors shall transport cannabis within the State, and all licensees shall transport cannabis items within the State; and

(o) Establish procedures for identification, seizure, confiscation, destruction, or donation to law enforcement for training purposes of cannabis or cannabis items produced, manufactured, sold, or offered for sale within this State which do not conform in all respects to the standards prescribed by P.L.2021, c.16 (C.24:6I-31 et al.);

(9) Restrictions on the advertising and display of cannabis items and cannabis paraphernalia, including, but not limited to, requirements that:

(a) Restrict advertising of cannabis items and cannabis paraphernalia in ways that target or are designed to appeal to individuals under the legal age to purchase cannabis items, including, but not limited to depictions of a person under 21 years of age consuming cannabis items, or, includes objects, such as toys, characters, or cartoon characters suggesting the presence of a person under 21 years of age, or any other depiction designed in any manner to be especially appealing to a person under 21 years of age;

(b) Prohibit advertising of any cannabis items or cannabis paraphernalia on television, or on radio between the hours of 6:00 a.m. and 10:00 p.m.;

(c) Prohibit engaging in advertising unless the advertiser has reliable evidence that at least 71.6 percent of the audience for the advertisement is reasonably expected to be 21 years of age or older;

(d) Prohibit engaging in advertising or marketing directed towards location-based devices, including but not limited to cellular phones, unless the marketing is a mobile device application installed on the device by the owner of the device who is 21 years of age or older and includes a permanent and easy opt-out feature and warnings that the use of cannabis items is restricted to persons 21 years of age or older;

(e) Prohibit the sponsoring of a charitable, sports, musical, artistic, cultural, social, or other similar event or advertising at or in connection with such an event unless the sponsor or advertiser has reliable evidence that no

more than 20 percent of the audience at the event is reasonably expected to be under the legal age to purchase cannabis items;

(f) Require all advertisements to contain the following warning: "This product contains cannabis. For use only by adults 21 years of age or older. Keep out of the reach of children.";

(g) Prohibit the advertising of cannabis items or cannabis paraphernalia in any form or through any medium whatsoever within 200 feet of any elementary or secondary school grounds. This subparagraph shall not apply to advertisements within the premises of a cannabis retailer.

For the purposes of this section, a noncommercial message shall not be considered an advertisement.

(10) A requirement that only cannabis items and cannabis paraphernalia are available for sale at a cannabis establishment;

(11) Procedures for the commission to conduct announced and unannounced visits to cannabis establishments, distributors, and delivery services, to make, or cause to be made, such investigations as it shall deem proper in the administration of P.L.2021, c.16 (C.24:6I-31 et al.) and any other laws which may hereafter be enacted concerning cannabis, or the production, manufacture, distribution, sale, or delivery thereof, including the inspection and search of any premises for which the license is sought or has been issued, of any building containing the same, of licensed buildings, examination of the books, records, accounts, documents and papers of the licensees or on the licensed premises;

(a) The commission shall be authorized and may at any time make an examination of the premises of any person or entity licensed under P.L.2021, c.16 (C.24:6I-31 et al.) for the purpose of determining compliance with P.L.2021, c.16 (C.24:6I-31 et al.) and the rules of the commission;

(b) The commission may require licensee compliance with P.L.2021, c.16 (C.24:6I-31 et al.), and may appoint auditors, investigators and other employees that the commission considers necessary to enforce its powers and perform its duties;

(c) During any inspection of a licensed premises, the commission may require proof that a person performing work at the premises is 18 years of age or older. If the person does not provide the commission with acceptable proof of age upon request, the commission may require the person to immediately cease any activity and leave the premises until the commission receives acceptable proof of age; and

(d) The commission shall not be required to obtain a search warrant to conduct an investigation or search of licensed premises;

(12) Record keeping requirements, including, but not limited to, the following:

(a) The obligation of every cannabis cultivator to keep a complete and accurate record of all sales of cannabis flowers, cannabis leaves, and immature cannabis plants, and a complete and accurate record of the number of cannabis flowers produced, the number of ounces of cannabis leaves produced, the number of immature cannabis plants produced, and the dates of production; the obligation of every cannabis establishment to keep a complete and accurate record of all sales of cannabis items, and a complete and accurate record of the number of ounces of usable cannabis sold; the obligation of every cannabis distributor to keep a complete and accurate record of all cannabis and cannabis items transported in bulk, and the sending and receiving cannabis establishments involved in each transportation of the cannabis or cannabis items; and the obligation of every cannabis delivery service to keep a complete and accurate record of all cannabis item deliveries made to consumers based on orders fulfilled by of cannabis retailers;

(b) Such records shall be kept and maintained for four years, however there shall not be a requirement that the records be maintained on the premises of a licensee, and the records shall be in such form and contain such other information as the commission may require; and

(c) The commission may, at any time, with adequate notice, examine the books and records of any cannabis establishment, distributor, or delivery service, and may appoint auditors, investigators, and other employees that the commission considers necessary to enforce its powers and its duties;

(13) Procedures for inspecting samples of cannabis items, including:

(a) On a schedule determined by the commission, every licensed cannabis cultivator and manufacturer shall submit representative samples of cannabis items produced or manufactured by the licensee to an independent, third-party licensed testing facility meeting the accreditation requirements established by the commission, or random samples may be obtained by representatives of the facility making a scheduled or unscheduled visit to the licensee's premises, for inspection and testing to certify compliance with standards adopted by the commission. Any sample remaining after testing shall be destroyed by the facility or returned to the licensee, unless that sample does not meet the applicable standards adopted by the commission, in which case it may be retained for purposes of retesting upon request of a licensee in accordance with subparagraph (c) of this paragraph;

(b) Licensees shall submit the results of this cannabis item inspection and testing to the commission on a form developed by the commission; and

(c) If a sample inspected and tested under this section does not meet the applicable standards adopted by the commission, the sample may, upon notice to the commission, be retested at the request of a licensee in a manner prescribed by the commission, and in addition to a retest, or as an alternative thereto, the licensee may also be permitted an opportunity to remediate, upon notice to the commission, the batch or lot from which the failed sample was taken, which batch or lot shall be subject to a subsequent test of a new representative sample in a manner prescribed by the commission. Any request for a retest of a sample, and any retest and reporting of results, as well as any batch or lot remediation process undertaken and subsequent testing of that batch or lot, shall be completed within a time period established by the commission. The commission shall also provide a process by which samples, batches, and lots that failed retesting or remediation, as applicable, shall be destroyed;

(14) Establishing the number of cannabis retailers, and permissible business arrangements with respect to other types of retailing businesses:

(a) (i) Assuming there are sufficient qualified applicants for licensure, the commission shall, subject to periodic evaluation as described in paragraph (1) of this subsection, issue a sufficient number of Class 5 Retailer licenses to meet the market demands of the State, giving regard to geographical and population distribution throughout the State; and

(ii) the provision of adequate access to licensed sources of cannabis items to discourage purchases from the illegal market; and

(b) A cannabis retailer's premises shall not be located in or upon any premises in which operates a grocery store, delicatessen, indoor food market, or other store engaging in retail sales of food, or in or upon any premises in which operates a store that engages in licensed retail sales of alcoholic beverages, as defined by subsection b. of R.S.33:1-1; and

(15) Civil penalties for the failure to comply with regulations adopted pursuant to this section.

b. In order to ensure that individual privacy is protected, the commission shall not require a consumer to provide a cannabis retailer with personal information other than government-issued identification as set forth in subparagraph (a) of paragraph (6) of subsection a. of this section in order to determine the consumer's identity and age, and a cannabis retailer shall not collect and retain any personal information about consumers other than information typically acquired in a financial transaction conducted by the holder of a Class C retail license concerning alcoholic beverages as set forth in R.S.33:1-12.

c. Once regulations are adopted by the commission pursuant to subsection a. of this section, but prior to the commencement of the application process, the commission shall conduct a series of information sessions in every

county in New Jersey to educate residents of New Jersey about the responsibilities, opportunities, requirements, obligations, and processes for application for a license to operate a cannabis establishment, distributor, or delivery service. The commission shall conduct an appropriate number of information sessions in each county considering the population of each county, but no fewer than one information session in each county. The commission shall publicize the day, time, location, and agenda of each information session broadly through television, radio, Internet, print, and local agencies.

d. The commission shall:

(1) Examine available research, and may conduct or commission new research or convene an expert task force, to investigate the influence of cannabis and marijuana on the ability of a person to drive a vehicle, on methods for determining whether a person is under the influence of cannabis or marijuana, and on the concentration of active THC, as defined in section 3 of P.L.2021, c.16 (C.24:6I-33), in a person's blood, in each case taking into account all relevant factors; and

(2) Report the results of the research to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature and make recommendations regarding both administrative and legislative action as the commission deems necessary.

C.24:6I-36 Application for license of conditional license.

19. Application For License or Conditional License.

a. Each application for an annual license to operate a cannabis establishment, distributor, or delivery service, or conditional license for a proposed cannabis establishment, distributor, or delivery service, shall be submitted to the commission. A separate license or conditional license shall be required for each location at which a cannabis establishment seeks to operate, or for the location of each premises from which a cannabis distributor or delivery service seeks to operate. Renewal applications for another annual license shall be filed no later than 90 days prior to the expiration of the establishment's, distributor's, or delivery service's license. A conditional license shall not be renewed, but replaced with an annual license upon the commission's determination of qualification for the annual license, or otherwise expire, as set forth in paragraph (2) of subsection b. of this section.

b. (1) Regarding the application for and issuance of annual licenses, the commission shall:

(a) begin accepting and processing applications within 30 days after the commission's initial rules and regulations have been adopted pursuant to

subparagraph (a) of paragraph (1) of subsection d. of section 6 of P.L.2021, c.16 (C.24:6I-34);

(b) forward, within 14 days of receipt, a copy of each application to the municipality in which the applicant desires to operate the cannabis establishment, distributor, or delivery service; and

(c) verify the information contained in the application and review the qualifications for the applicable license class, set forth in section 20, 22, 23, 24, 25, or 26 of P.L.2021, c.16 (C.24:6I-37, C.24:6I-39, C.24:6I-40, C.24:6I-41, C.24:6I-42, or C.24:6I-43), and regulations concerning qualifications for licensure promulgated by the commission for which the applicant seeks licensure, and not more than 90 days after the receipt of an application, make a determination as to whether the application is approved or denied, or that the commission requires more time to adequately review the application.

The commission shall deny a license application to any applicant who fails to provide information, documentation and assurances as required by P.L.2021, c.16 (C.24:6I-31 et al.) or as requested by the commission, or who fails to reveal any material fact to qualification, or who supplies information which is untrue or misleading as to a material fact pertaining to the qualification criteria for licensure. The commission shall approve a license application that meets the requirements of this section unless the commission finds by clear and convincing evidence that the applicant would be manifestly unsuitable to perform the activities for the applicable license class for which licensure is sought.

(i) If the application is approved, upon collection of the license fee, the commission shall issue an annual license to the applicant no later than 30 days after giving notice of approval of the application unless the commission finds the applicant is not in compliance with regulations for annual licenses enacted pursuant to the provisions of paragraph (1) of subsection d. of section 6 of P.L.2021, c.16 (C.24:6I-34) or the commission is notified by the relevant municipality that the applicant is not in compliance with ordinances and regulations made pursuant to the provisions of section 31 of P.L.2021, c.16 (C.24:6I-45) and in effect at the time of application, provided, if a municipality has enacted a numerical limit on the number of cannabis establishments, distributors, or delivery services and a greater number of applicants seek licenses, the commission shall solicit and consider input from the municipality as to the municipality's preference or preferences for licensure.

(ii) If the application is denied, the commission shall notify the applicant in writing of the specific reason for its denial, and provide the applicant with the opportunity for a hearing in accordance with the "Administrative Procedure Act, P.L.1968, c.410 (C.52:14B-1 et seq.).

(2) Regarding the application for and issuance of conditional licenses, the commission shall:

(a) begin accepting and processing applications from applicants within 30 days after the commission's initial rules and regulations have been adopted pursuant to subparagraph (a) of paragraph (1) of subsection d. of section 6 of P.L.2021, c.16 (C.24:6I-34), and ensure that at least 35 percent of the total licenses issued for each class of cannabis establishment, and for cannabis distributors and delivery services, are conditional licenses, which 35 percent figure shall also include any conditional license issued to an applicant which is subsequently replaced by the commission with an annual license due to that applicant's compliance for the annual license pursuant to subsubparagraph (i) of subparagraph (d) of this paragraph;

(b) forward, within 14 days of receipt, a copy of each application to the municipality in which the applicant desires to operate a proposed cannabis establishment, or to the municipality in which the premises is located from which the applicant desires to operate a proposed cannabis distributor or delivery service; and

(c) verify the information contained in the application and review the following qualifications for a conditional license:

(i) that the application include at least one significantly involved person who has resided in this State for at least two years as of the date of the application;

(ii) a listing included with the application, showing all persons with a financial interest who also have decision making authority for the proposed cannabis establishment, distributor, or delivery service detailed in the application;

(iii) proof that the significantly involved person and any other person with a financial interest who also has decision making authority for the proposed cannabis establishment, distributor, or delivery service is 21 years of age or older;

(iv) the name, address, date of birth, and resumes of each executive officer, all significantly involved persons, and persons with a financial interest who also have decision making authority for the proposed cannabis establishment, distributor, or delivery service, as well as a photocopy of their driver's licenses or other government-issued form of identification, plus background check information in a form and manner determined by the commission in consultation with the Superintendent of State Police; concerning the background check, an application shall be denied if any person has any disqualifying conviction pursuant to subparagraph (c) of paragraph (4) of subsection a. of section 20, 22, 23, 24, 25 or 26 of P.L.2021, c.16 (C.24:6I-37, C.24:6I-39, C.24:6I-40, C.24:6I-41, C.24:6I-42, or C.24:6I-43), based

upon the applicable class of cannabis establishment for which the application was submitted, or based upon the application being for a cannabis distributor or delivery service, unless the commission determines pursuant to subsubparagraph (ii) of those subparagraphs that the conviction should not disqualify the application;

(v) proof that each person with a financial interest who also has decision making authority for the proposed cannabis establishment, distributor, or delivery service has, for the immediately preceding taxable year, an adjusted gross income of no more than \$200,000 or no more than \$400,000 if filing jointly with another;

(vi) a certification that each person with a financial interest who also has decision making authority for the proposed cannabis establishment, distributor, or delivery service does not have any financial interest in an application for an annual license under review before the commission or a cannabis establishment, distributor, or delivery service that is currently operating with an annual license;

(vii) the federal and State tax identification numbers for the proposed cannabis establishment, distributor, or delivery service, and proof of business registration with the Division of Revenue in the Department of the Treasury;

(viii) information about the proposed cannabis establishment, distributor, or delivery service including its legal name, any registered alternate name under which it may conduct business, and a copy of its articles of organization and bylaws;

(ix) the business plan and management operation profile for the proposed cannabis establishment, distributor, or delivery service;

(x) the plan by which the applicant intends to obtain appropriate liability insurance coverage for the proposed cannabis establishment, distributor, or delivery service; and

(xi) any other requirements established by the commission pursuant to regulation; and

(d) not more than 30 days after the receipt of an application, make a determination as to whether the application is approved or denied, or that the commission requires more time to adequately review the application.

The commission shall deny a conditional license application to any applicant who fails to provide information, documentation and assurances as required by P.L.2021, c.16 (C.24:6I-31 et al.) or as requested by the commission, or who fails to reveal any material fact to qualification, or who supplies information which is untrue or misleading as to a material fact pertaining to the qualification criteria for licensure. The commission shall approve a li-

cense application that meets the requirements of this section unless the commission finds by clear and convincing evidence that the applicant would be manifestly unsuitable to perform the activities for the applicable license class for which conditional licensure is sought.

(i) If the application is approved, upon collection of the conditional license fee, the commission shall issue a conditional license to the applicant, which is non-transferable for its duration, no later than 30 days after giving notice of approval of the application, unless the commission finds the applicant is not in compliance with regulations for conditional licenses enacted pursuant to the provisions of paragraph (1) of subsection d. of section 6 of P.L.2021, c.16 (C.24:6I-34) or the commission is notified by the relevant municipality that the applicant is not in compliance with ordinances and regulations made pursuant to the provisions of section 31 of P.L.2021, c.16 (C.24:6I-45) and in effect at the time of application, provided, if a municipality has enacted a numerical limit on the number of marijuana cannabis establishments, distributors, or delivery services and a greater number of applicants seek licenses, the commission shall solicit and consider input from the municipality as to the municipality's preference or preferences for licensure. For each license issued, the commission shall also provide the approved licensee with documentation setting forth the remaining conditions to be satisfied under section 20, 22, 23, 24, 25, or 26 of P.L.2021, c.16 (C.24:6I-37, C.24:6I-39, C.24:6I-40, C.24:6I-41, C.24:6I-42, or C.24:6I-43), or relevant regulations, based upon the applicable class of cannabis establishment for which the conditional license was issued, or based upon the conditional license issued for a cannabis distributor or delivery service, and which were not already required for the issuance of that license, to be completed within 120 days of issuance of the conditional license, which period may be extended upon request to the commission for an additional period of up to 45 days at the discretion of the commission. If the commission subsequently determines during that 120-day period, or during any additional period granted, that the conditional licensee is in compliance with all applicable conditions and is implementing the plans, procedures, protocols, actions, or other measures set forth in its application, the commission shall replace the conditional license by issuing an annual license, which will expire one year from its date of issuance; if the conditional licensee is not in compliance with all applicable conditions or not implementing the plans, procedures, protocols, actions, or other measures set forth in its application, the conditional license shall automatically expire at the end of the 120-day period, or at the end of any additional period granted by the commission;

(ii) If the application is denied, the commission shall notify the applicant in writing of the specific reason for its denial, provide with this written notice

a refund of 80 percent of the application fee submitted with the application, and provide the applicant with the opportunity for a hearing in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.);

c. The commission shall require all applicants for cannabis licenses, other than applicants for a conditional license for any class of cannabis establishment, or for a cannabis distributor or delivery service, or for either a conditional or annual license for an establishment, distributor, or delivery service that is a microbusiness pursuant to subsection f. of this section, to submit an attestation signed by a bona fide labor organization stating that the applicant has entered into a labor peace agreement with such bona fide labor organization. The maintenance of a labor peace agreement with a bona fide labor organization by a licensed cannabis establishment, distributor, or delivery service, other than an establishment that is a microbusiness, shall be an ongoing material condition of the establishment's, distributor's, or delivery service's license. The submission of an attestation and maintenance of a labor peace agreement with a bona fide labor organization by an applicant issued a conditional license for a cannabis establishment, distributor, or delivery service, other than an establishment that is a microbusiness, shall be a requirement for final approval for an annual license. Failure to enter, or to make a good faith effort to enter, into a collective bargaining agreement within 200 days of the opening of a licensed cannabis establishment, distributor, or delivery service, other than an establishment that is a microbusiness, shall result in the suspension or revocation of the establishment's, distributor's, or delivery service's license.

As used in this subsection, "bona fide labor organization" means a labor organization of any kind or employee representation committee, group, or association, in which employees participate and which exists and is constituted for the purpose, in whole or in part, of collective bargaining or otherwise dealing with medical or personal use cannabis employers concerning grievances, labor disputes, terms or conditions of employment, including wages and rates of pay, or other mutual aid or protection in connection with employment, and may be characterized by: it being a party to one or more executed collective bargaining agreements with medical or personal use cannabis employers, in this State or another state; it having a written constitution or bylaws in the three immediately preceding years; it filing the annual financial report required of labor organizations pursuant to subsection (b) of 29 U.S.C. s.431, or it having at least one audited financial report in the three immediately preceding years; it being affiliated with any regional or national association of unions, including but not limited to state and federal labor councils; or it being a member of a national labor organization that has at least 500 general members in a majority of the 50 states of the United States.

d. (1) Each license application shall be scored and reviewed based upon a point scale with the commission determining the amount of points, the point categories, and the system of point distribution by regulation. The commission shall assign points and rank applicants according to the point system. The commission may, pursuant to a process set forth in regulation and consistent with this subsection, adjust the point system or utilize a separate point system and rankings with respect to the review of an application for which a conditional license is sought, or for which a microbusiness license is sought. If two or more eligible applicants have the same number of points, those applicants shall be grouped together and, if there are more eligible applicants in this group than the remaining number of licenses available, the commission shall utilize a public lottery to determine which applicants receive a license or conditional license, as the case may be.

(a) An initial application for licensure shall be evaluated according to criteria to be developed by the commission. There shall be included bonus points for applicants who are residents of New Jersey.

(b) The criteria to be developed by the commission pursuant to subparagraph (a) of this paragraph shall include, in addition to the criteria set forth in subparagraphs (c) and (d) of this paragraph and any other criteria developed by the commission, an analysis of the applicant's operating plan, excluding safety and security criteria, which shall include the following:

(i) In the case of an applicant for a cannabis cultivator license, the operating plan summary shall include a written description concerning the applicant's qualifications for, experience in, and knowledge of each of the following topics:

- cultivation of cannabis;
- conventional horticulture or agriculture, familiarity with good agricultural practices, and any relevant certifications or degrees;
- quality control and quality assurance;
- recall plans;
- packaging and labeling;
- inventory control and tracking software or systems for the production of personal use cannabis;
- analytical chemistry and testing of cannabis;
- water management practices;
- odor mitigation practices;
- onsite and offsite recordkeeping;
- strain variety and plant genetics;
- pest control and disease management practices, including plans for the use of pesticides, nutrients, and additives;

- waste disposal plans; and
- compliance with applicable laws and regulations.

(ii) In the case of an applicant for a cannabis manufacturer license, or, as applicable, a cannabis wholesaler license, cannabis distributor license, or cannabis delivery service license, the operating plan summary shall include a written description concerning the applicant's qualifications for, experience in, and knowledge of each of the following topics:

- manufacture and creation of cannabis products using appropriate extraction methods, including intended use and sourcing of extraction equipment and associated solvents or intended methods and equipment for non-solvent extraction;

- quality control and quality assurance;
- recall plans;
- packaging and labeling;
- inventory control and tracking software or systems for the manufacturing, warehousing, transportation, or delivery of cannabis and cannabis items;
- analytical chemistry and testing of cannabis items;
- water management practices;
- odor mitigation practices;
- onsite and offsite recordkeeping;
- a list of product formulations or products proposed to be manufactured with estimated cannabinoid profiles, if known, including varieties with high cannabidiol content;

- intended use and sourcing of all non-cannabis ingredients used in the manufacture and creation of cannabis products, including methods to verify or ensure the safety and integrity of those ingredients and their potential to be or contain allergens;

- waste disposal plans; and
- compliance with applicable laws and regulations.

(iii) In the case of an applicant for a cannabis retailer license, the operating plan summary shall include a written description concerning the applicant's qualifications for, experience in, and knowledge of each of the following topics:

- sales of cannabis items to consumers;
- cannabis product evaluation procedures;
- recall plans;
- packaging and labeling;
- inventory control and point-of-sale software or systems for the sale of cannabis items;

- the routes of administration, strains, varieties, and cannabinoid profiles of cannabis and cannabis items;
- odor mitigation practices;
- onsite and offsite recordkeeping;
- waste disposal plans; and
- compliance with applicable laws and regulations.

(c) The criteria to be developed by the commission pursuant to subparagraph (a) of this paragraph shall include, in addition to the criteria set forth in subparagraphs (b) and (d) of this paragraph and any other criteria developed by the commission, an analysis of the following factors, if applicable:

(i) The applicant's environmental impact plan.

(ii) A summary of the applicant's safety and security plans and procedures, which shall include descriptions of the following:

- plans for the use of security personnel, including contractors;
- the experience or qualifications of security personnel and proposed contractors;
- security and surveillance features, including descriptions of any alarm systems, video surveillance systems, and access and visitor management systems, along with drawings identifying the proposed locations for surveillance cameras and other security features;
- plans for the storage of cannabis and cannabis items, including any safes, vaults, and climate control systems that will be utilized for this purpose;
- a diversion prevention plan;
- an emergency management plan;
- procedures for screening, monitoring, and performing criminal history record background checks of employees;
- cybersecurity procedures;
- workplace safety plans and the applicant's familiarity with federal Occupational Safety and Health Administration regulations;
- the applicant's history of workers' compensation claims and safety assessments;
- procedures for reporting adverse events; and
- a sanitation practices plan.

(iii) A summary of the applicant's business experience, including the following, if applicable:

- the applicant's experience operating businesses in highly-regulated industries;
- the applicant's experience in operating cannabis establishments or alternative treatment centers and related cannabis production, manufacturing,

warehousing, or retail entities, or experience in operating cannabis distributors or delivery services, under the laws of New Jersey or any other state or jurisdiction within the United States; and

- the applicant's plan to comply with and mitigate the effects of 26 U.S.C. s.280E on cannabis businesses, and for evidence that the applicant is not in arrears with respect to any tax obligation to the State.

In evaluating the experience described under this subsubparagraph, the commission shall afford the greatest weight to the experience of the applicant itself, controlling owners, and entities with common ownership or control with the applicant; followed by the experience of those with a 15 percent or greater ownership interest in the applicant's organization; followed by significantly involved persons in the applicant's organization; followed by other officers, directors, and current and prospective employees of the applicant who have a bona fide relationship with the applicant's organization as of the date of the application.

(iv) A description of the proposed location for the applicant's site, including the following, if applicable:

- the proposed location, the surrounding area, and the suitability or advantages of the proposed location, along with a floor plan and optional renderings or architectural or engineering plans;

- the submission of zoning approvals for the proposed location, which shall consist of a letter or affidavit from appropriate officials of the municipality that the location will conform to local zoning requirements allowing for activities related to the operations of the proposed cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service as will be conducted at the proposed facility; and

- the submission of proof of local support for the suitability of the location, which may be demonstrated by a resolution adopted by the municipality's governing body indicating that the intended location is appropriately located or otherwise suitable for activities related to the operations of the proposed cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service.

An application for a cannabis retailer shall not include in that application a proposed site that would place the retailer's premises in or upon any premises in which operates a grocery store, delicatessen, indoor food market, or other store engaging in retail sales of food, or in or upon any premises in which operates a store that engages in licensed retail sales of alcoholic beverages, as defined by subsection b. of R.S.33:1-1; any application presented to the commission shall be denied if it includes that form of proposed site.

Notwithstanding any other provision of this subsubparagraph, an application shall be disqualified from consideration unless it includes documentation demonstrating that the applicant will have final control of the premises upon approval of the application, including, but not limited to, a lease agreement, contract for sale, title, deed, or similar documentation. In addition, if the applicant will lease the premises, the application will be disqualified from consideration unless it includes certification from the landlord that the landlord is aware that the tenant's use of the premises will involve activities associated with operations as a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service.

(v) A community impact, social responsibility, and research statement, which may include, but shall not be limited to, the following:

- a community impact plan summarizing how the applicant intends to have a positive impact on the community in which the proposed cannabis establishment, distributor, or delivery service is to be located, which shall include an economic impact plan and a description of outreach activities;

- a written description of the applicant's record of social responsibility, philanthropy, and ties to the proposed host community;

- a written description of any research the applicant has conducted on the adverse effects of the use of cannabis items, substance abuse or addiction, and the applicant's participation in or support of cannabis-related research and educational activities; and

- a written plan describing any research and development regarding the adverse effects of cannabis, and any cannabis-related educational and outreach activities, which the applicant intends to conduct if issued a license by the commission.

In evaluating the information submitted pursuant to this subsubparagraph, the commission shall afford the greatest weight to responses pertaining to the applicant itself, controlling owners, and entities with common ownership or control with the applicant; followed by those with a 15 percent or greater ownership interest in the applicant's organization; followed by significantly involved persons in the applicant's organization; followed by other officers, directors, and current and prospective employees of the applicant who have a bona fide relationship with the applicant's organization as of the date of the application.

(vi) A workforce development and job creation plan, which may include information on the applicant's history of job creation and planned job creation at the proposed cannabis establishment, distributor, or delivery service; education, training, and resources to be made available for employees; any relevant certifications; and an optional diversity plan.

(vii) A business and financial plan, which may include, but shall not be limited to, the following:

- an executive summary of the applicant's business plan;
- a demonstration of the applicant's financial ability to implement its business plan, which may include, but shall not be limited to, bank statements, business and individual financial statements, net worth statements, and debt and equity financing statements; and
- a description of the applicant's plan to comply with guidance pertaining to cannabis issued by the Financial Crimes Enforcement Network under 31 U.S.C. s.5311 et seq., the federal "Bank Secrecy Act," which may be demonstrated by submitting letters regarding the applicant's banking history from banks or credit unions that certify they are aware of the business activities of the applicant, or entities with common ownership or control with the applicant, in any state where the applicant has operated a business related to personal use or medical cannabis. For the purposes of this subsubparagraph, the commission shall consider only bank references involving accounts in the name of the applicant or of an entity with common ownership or control with the applicant. An applicant who does not submit the information about a plan of compliance with the federal "Bank Secrecy Act" shall not be disqualified from consideration.

(viii) Whether any of the applicant's majority or controlling owners were previously approved by the commission to serve as an officer, director, principal, or key employee of an alternative treatment center or personal use cannabis establishment, distributor, or delivery service, provided any such individual served in that capacity for six or more months;

(ix) Any other information the commission deems relevant in determining whether to grant a license to the applicant.

(2) In ranking applications, in addition to the awarding of points as set forth in paragraph (1) of this subsection, the commission shall give priority to the following, regardless of whether there is any competition among applications for a particular class of license:

(a) Applicants that include a significantly involved person or persons lawfully residing in New Jersey for at least five years as of the date of the application.

(b) Applicants that are party to a collective bargaining agreement with a bona fide labor organization that currently represents, or is actively seeking to represent cannabis workers in New Jersey.

(c) Applicants that are party to a collective bargaining agreement with a bona fide labor organization that currently represents cannabis workers in another state.

(d) Applicants that submit a signed project labor agreement with a bona fide building trades labor organization, which is a form of pre-hire collective

bargaining agreement covering terms and conditions of a specific project, including labor issues and worker grievances associated with that project, for the construction or retrofit of the facilities associated with the licensed entity.

(e) Applicants that submit a signed project labor agreement with a bona fide labor organization for any other applicable project associated with the licensed entity.

As used in this paragraph, “bona fide labor organization” means “bona fide labor organization” as defined in subsection c. of this section, and includes a bona fide building trades labor organization.

(3) In reviewing an initial license application, unless the information is otherwise solicited by the commission in a specific application question, the commission’s evaluation of the application shall be limited to the experience and qualifications of the applicant’s organization, including controlling owners, any entities with common ownership or control with the applicant, those with a 15 percent or greater ownership interest in the applicant’s organization, significantly involved persons in the applicant’s organization, the other officers, directors, and current or prospective employees of the applicant who have a bona fide relationship with the applicant’s organization as of the date of the application, and consultants and independent contractors who have a bona fide relationship with the applicant as of the date of the application. Responses pertaining to applicants who are exempt from the criminal history record background check requirements of P.L.2021, c.16 (C.24:6I-31 et al.) shall not be considered. Each applicant shall certify as to the status of the individuals and entities included in the application.

(4) The commission shall give special consideration to any applicant that has entered into an agreement with an institution of higher education to create an integrated curriculum involving the cultivation, manufacturing, wholesaling, distributing, retail sales, or delivery of personal use cannabis or cannabis items, provided that the curriculum is approved by both the commission and the Office of the Secretary of Higher Education and the applicant agrees to maintain the integrated curriculum in perpetuity. An integrated curriculum license shall be subject to revocation if the license holder fails to maintain or continue the integrated curriculum. In the event that, because of circumstances outside a license holder’s control, the license holder will no longer be able to continue an integrated curriculum, the license holder shall notify the commission and shall make reasonable efforts to establish a new integrated curriculum with an institution of higher education, subject to approval by the commission and the Office of the Secretary of Higher Education. If the license holder is unable to establish a new integrated curriculum within six months after the date the current integrated curriculum arrangement ends,

the commission shall revoke the entity's license, unless the commission finds there are extraordinary circumstances that justify allowing the license holder to retain the license without an integrated curriculum and the commission finds that allowing the license holder to retain the license would be consistent with the purposes of P.L.2021, c.16 (C.24:6I-31 et al.). The commission may revise the application and license fees or other conditions for a license pursuant to this paragraph as may be necessary to encourage applications for licensure which involves an integrated curriculum.

(5) Application materials submitted to the commission pursuant to this section shall not be considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.), P.L.2001, c.404 (C.47:1A-5 et al.), or the common law concerning access to government records.

(6) If the commission notifies an applicant that it has performed sufficiently well on multiple applications to be awarded more than one license, the applicant shall notify the commission, within seven business days after receiving such notice, as to which class of license it will accept. For any license award that is declined by an applicant pursuant to this paragraph, the commission shall, upon receiving notice from the applicant of the declination, award the license to the applicant for that license class who, in the determination of the commission, best satisfies the commission's criteria while meeting the commission's determination of Statewide marketplace need. If an applicant fails to notify the commission as to which license it will accept, the commission shall have the discretion to determine which license it will award to the applicant, based on the commission's determination of Statewide marketplace need and other applications submitted for cannabis establishments, distributors, or delivery services to be located in the affected regions.

e. (1) The commission shall also prioritize applications on the basis of impact zones, for which past criminal marijuana enterprises contributed to higher concentrations of law enforcement activity, unemployment, and poverty, or any combination thereof, within parts of or throughout these zones, regardless of whether there is any competition among applications for a particular class of license. An "impact zone" means any municipality that:

(a) has a population of 120,000 or more according to the most recently compiled federal decennial census as of the effective date of P.L.2021, c.16 (C.24:6I-31 et al.);

(b) based upon data for calendar year 2019:

(i) ranks in the top 40 percent of municipalities in the State for marijuana- or hashish-related arrests for violation of paragraph (4) of subsection a. of N.J.S.2C:35-10;

(ii) has a crime index total of 825 or higher based upon the indexes listed in the annual Uniform Crime Report by the Division of State Police; and

(iii) has a local average annual unemployment rate that ranks in the top 15 percent of all municipalities in the State, based upon average annual unemployment rates estimated for the relevant calendar year by the Office of Research and Information in the Department of Labor and Workforce Development;

(c) is a municipality located in a county of the third class, based upon the county's population according to the most recently compiled federal decennial census as of the effective date of P.L.2021, c.16 (C.24:6I-31 et al.), that meets all of the criteria set forth in subparagraph (b) other than having a crime index total of 825 or higher; or

(d) is a municipality located in a county of the second class, based upon the county's population according to the most recently compiled federal decennial census as of the effective date of P.L.2021, c.16 (C.24:6I-31 et al.):

(i) with a population of less than 60,000 according to the most recently compiled federal decennial census, that for calendar year 2019 ranks in the top 40 percent of municipalities in the State for marijuana- or hashish-related arrests for violation of paragraph (4) of subsection a. of N.J.S.2C:35-10; has a crime index total of 1,000 or higher based upon the indexes listed in the 2019 annual Uniform Crime Report by the Division of State Police; but for calendar year 2019 does not have a local average annual unemployment rate that ranks in the top 15 percent of all municipalities, based upon average annual unemployment rates estimated for the relevant calendar year by the Office of Research and Information in the Department of Labor and Workforce Development; or

(ii) with a population of not less than 60,000 or more than 80,000 according to the most recently compiled federal decennial census; has a crime index total of 650 or higher based upon the indexes listed in the 2019 annual Uniform Crime Report; and for calendar year 2019 has a local average annual unemployment rate of 3.0 percent or higher using the same estimated annual unemployment rates.

(2) In ranking applications with respect to impact zones, the commission shall give priority to the following:

(a) An application for a cannabis establishment, distributor, or delivery service that is located, or is intended to be located, within an impact zone, and that impact zone has less than two licensees, so that there will be a prioritized distribution of licenses to at least two licensees within each impact zone.

(b) An applicant who is a current resident of an impact zone and has resided therein for three or more consecutive years at the time of making the application. To the extent reasonably practicable, at least 25 percent of the total licenses issued to applicants for a cannabis establishment, distributor,

or delivery service license shall be awarded to applicants who have resided in an impact zone for three or more consecutive years at the time of making the application, regardless of where the cannabis establishment, distributor, or delivery service is, or is intended to be, located.

(c) An applicant who presents a plan, attested to, to employ at least 25 percent of employees who reside in an impact zone, of whom at least 25 percent shall reside in the impact zone nearest to the location, or intended location, of the cannabis establishment, distributor, or delivery service; failure to meet the requisite percentages of employees from an impact zone within 90 days of the opening of a licensed cannabis establishment, distributor, or delivery service shall result in the suspension or revocation of a license or conditional license, as applicable, issued based on an application with an impact zone employment plan.

f. (1) The commission shall ensure that at least 10 percent of the total licenses issued for each class of cannabis establishment, or for cannabis distributors and cannabis delivery services, are designated for and only issued to microbusinesses, and that at least 25 percent of the total licenses issued be issued to microbusinesses. The determination of the percentage for each class of license issued to microbusinesses shall include the number of conditional licenses issued to microbusinesses for each class, as the percentage of conditional licenses issued for each class pursuant to subparagraph (a) of paragraph (2) of subsection b. of this section shall not be mutually exclusive of the percentage of licenses issued to microbusinesses pursuant to this subsection. There shall not be any cap or other numerical restriction on the number of licenses issued to microbusinesses pursuant to P.L.2021, c.16 (C.24:6I-31 et al.), and this prohibition on a cap or other numerical restriction shall apply to every class of license issued. The maximum fee assessed by the commission for issuance or renewal of a license designated and issued to a microbusiness shall be no more than half the fee applicable to a license of the same class issued to a person or entity that is not a microbusiness.

(2) A microbusiness shall meet the following requirements:

(a) 100 percent of the ownership interest in the microbusiness shall be held by current New Jersey residents who have resided in the State for at least the past two consecutive years;

(b) at least 51 percent of the owners, directors, officers, or employees of the microbusiness shall be residents of the municipality in which the microbusiness is located, or to be located, or a municipality bordering the municipality in which the microbusiness is located, or to be located;

(c) concerning business operations, and capacity and quantity restrictions:

(i) employ no more than 10 employees;

(ii) operate a cannabis establishment occupying an area of no more than 2,500 square feet, and in the case of a cannabis cultivator, grow cannabis on an area no more than 2,500 square feet measured on a horizontal plane and grow above that plane not higher than 24 feet; provided, that a cannabis cultivator's grow space may, if approved by the commission, be part of a larger premises that is owned or operated by a cannabis cultivator that is not a licensed microbusiness, allowing for the sharing of a physical premises and certain business operations, but only the microbusiness cannabis cultivator shall grow cannabis on and above the cultivator's grow space;

(iii) possess no more than 1,000 cannabis plants each month, except that a cannabis distributor's possession of cannabis plants for transportation shall not be subject to this limit;

(iv) in the case of a cannabis manufacturer, acquire no more than 1,000 pounds of usable cannabis each month;

(v) in the case of a cannabis wholesaler, acquire for resale no more than 1,000 pounds of usable cannabis, or the equivalent amount in any form of manufactured cannabis product or cannabis resin, or any combination thereof, each month; and

(vi) in the case of a cannabis retailer, acquire for retail sale no more than 1,000 pounds of usable cannabis, or the equivalent amount in any form of manufactured cannabis product or cannabis resin, or any combination thereof, each month;

(d) no owner, director, officer, or other person with a financial interest who also has decision making authority for the microbusiness shall hold any financial interest in any other licensed cannabis establishment, distributor, or delivery service, whether or not a microbusiness;

(e) no owner, director, officer, or other person with a financial interest who also has decision making authority for a licensed cannabis establishment, distributor, or delivery service, whether or not a microbusiness, shall hold any financial interest in a microbusiness;

(f) the microbusiness shall not sell or transfer the license issued to it; and

(g) the microbusiness shall comply with such other requirements as may be established by the commission by regulation.

(3) A license designated and issued to a microbusiness shall be valid for one year and may be renewed annually, or alternatively replaced, while still valid, with an annual license allowing the microbusiness to convert and continue its operations as a licensed person or entity that is not a microbusiness subject to the provisions of this subsection, based upon a process and criteria established by the commission in regulation for the conversion.

(a) Any microbusiness that meets the criteria established by the commission for conversion may submit an application to convert its operations. Upon review of the application to confirm the commission's criteria have been met, the commission shall issue a new annual license to the person or entity, and the previously issued license for the microbusiness shall be deemed expired as of the date of issuance of the new annual license. If the commission determines that the criteria have not been met, the conversion application shall be denied, and the commission shall notify the microbusiness applicant of the specific reason for its denial, and provide the applicant with the opportunity for a hearing in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

(b) Any new annual license issued pursuant to this paragraph allowing a microbusiness to convert and continue its operations as a licensed person or entity that is not a microbusiness subject to the provisions of this subsection shall be counted towards the percentages of licenses that are designated for and only issued to microbusinesses as set forth in paragraph (1) of this subsection, notwithstanding the microbusiness' converted operations.

C.24:6I-37 Class I Cannabis Cultivator license.

20. Class 1 Cannabis Cultivator license.

A cannabis cultivator shall have a Class 1 Cannabis Cultivator license issued by the commission for the premises at which the cannabis is grown or cultivated. Except for an initial period during which the number of licenses is capped pursuant to section 33 of P.L.2021, c.16 (C.24:6I-46), except as otherwise provided therein concerning cannabis cultivator licenses issued to microbusinesses, the commission shall determine the maximum number of licenses, of which at least 35 percent shall be conditional licenses issued pursuant to subparagraph (a) of paragraph (2) of subsection b. of section 19 of P.L.2021, c.16 (C.24:6I-36), and at least 10 percent of the total number of licenses and conditional licenses shall be designated for and only issued to microbusinesses pursuant to subsection f. of that section. After the initial period during which the number of licenses is capped pursuant to section 33 of P.L.2021, c.16 (C.24:6I-46), except as otherwise provided therein concerning cannabis cultivator licenses issued to microbusinesses, the commission shall review the current number of licenses issued and, provided there exist qualified applicants, the commission shall issue a sufficient number of licenses to meet the market demands of the State, and may, as authorized by paragraph (1) of subsection a. of section 18 of P.L.2021, c.16 (C.24:6I-35), accept new applications for additional licenses as it deems necessary to meet those demands.

a. To hold a Class 1 Cannabis Cultivator license under this section, an applicant:

(1) Shall apply for a license in the manner described in section 18 of P.L.2021, c.16 (C.24:6I-35);

(2) Shall have at least one significantly involved person who has resided in this State for at least two years as of the date of the application, and provide proof that this person and any other person with financial interest who also has decision making authority for the cannabis cultivator listed on an application submitted under section 18 of P.L.2021, c.16 (C.24:6I-35.) is 21 years of age or older;

(3) Shall meet the requirements of any rule or regulation adopted by the commission under subsection b. of this section; and

(4) Shall provide for each of the following persons to undergo a criminal history record background check: any owner, other than an owner who holds less than a five percent investment interest in the cannabis cultivator or who is a member of a group that holds less than a 20 percent investment interest in the cannabis cultivator and no member of that group holds more than a five percent interest in the total group investment, and who lacks the authority to make controlling decisions regarding the cannabis cultivator's operations; any director; any officer; and any employee.

(a) Pursuant to this provision, the commission is authorized to exchange fingerprint data with and receive criminal history record background information from the Division of State Police and the Federal Bureau of Investigation consistent with the provisions of applicable State and federal laws, rules, and regulations. The Division of State Police shall forward criminal history record background information to the commission in a timely manner when requested pursuant to the provisions of this section;

(b) Each person shall submit to being fingerprinted in accordance with applicable State and federal laws, rules, and regulations. No check of criminal history record background information shall be performed pursuant to this section unless a person has furnished his written consent to that check. A person who refuses to consent to, or cooperate in, the securing of a check of criminal history record background information shall not be considered for licensure as a cultivator. Each person shall bear the cost for the criminal history record background check, including all costs of administering and processing the check;

(c) (i) With respect to determining whether any conviction of a person contained in the criminal history record background check should disqualify an applicant for a Class 1 Cannabis Cultivator license, the commission shall

not take into consideration any conviction for a crime or offense that occurred prior to the effective date of P.L.2021, c.16 (C.24:6I-31 et al.) involving a controlled dangerous substance or controlled substance analog as set forth in paragraph (11) or (12) of subsection b., or subparagraph (b) of paragraph (10) of subsection b. of N.J.S.2C:35-5, or paragraph (3) or (4) of subsection a. of N.J.S.2C:35-10, or any similar indictable offense under federal law, this State's law, or any other state's law, or for any conviction under federal law for conduct involving cannabis or a cannabis item that is authorized by P.L.2021, c.16 (C.24:6I-31 et al.). Additionally, the commission shall not take into consideration any other prior conviction, unless that conviction is for an indictable offense under federal law, other than a conviction for conduct involving cannabis or a cannabis item that is authorized by P.L.2021, c.16 (C.24:6I-31 et al.), or under this State's law, or any other state's law that is substantially related to the qualifications, functions, or duties for which the license is required, and not more than five years have passed since the date of that conviction, satisfactory completion of probation or parole, or release from incarceration, whichever is later. In determining which indictable offenses are substantially related to the qualifications, functions, or duties for which the license is required, the commission shall at least consider any conviction involving fraud, deceit, or embezzlement, and any conviction for N.J.S.2C:35-6, employing a minor in a drug distribution scheme, or similar indictable offense in this or another jurisdiction involving the use of a minor to dispense or distribute a controlled dangerous substance or controlled substance analog;

(ii) The commission may approve an applicant for a Class 1 Cannabis Cultivator license after conducting a thorough review of any previous conviction of a person that substantially related to the qualifications, functions, or duties for which the license is required that is contained in the criminal history record background information, and this review shall include examining the nature of the indictable offense, the circumstances at the time of committing the offense, and evidence of rehabilitation since conviction. If the commission determines that the reviewed conviction should not disqualify the applicant, the applicant may be approved so long as the applicant is otherwise qualified to be issued the license; and

(d) Upon receipt and review of the criminal history record background information from the Division of State Police and the Federal Bureau of Investigation, the commission shall provide written notification to the applicant of the qualification or disqualification for a Class 1 Cannabis Cultivator license.

If the applicant is disqualified because the commission determined that a person has a disqualifying conviction pursuant to the provisions of this section, the conviction that constitutes the basis for the disqualification shall be identified in the written notice.

(e) The Division of State Police shall promptly notify the commission in the event that a person who was the subject of a criminal history record background check conducted pursuant to this section is convicted of a crime or offense in this State after the date the background check was performed. Upon receipt of that notification, the commission shall make a determination regarding the continued eligibility for the applicant, or following application, for the licensee, to hold a Class 1 Cannabis Cultivator license.

b. The commission shall adopt rules and regulations that:

(1) Provide for the annual renewal of the Class 1 Cannabis Cultivator license;

(2) Establish application, licensure, and renewal of licensure fees for cannabis cultivators in accordance with paragraph (2) of subsection a. of section 18 of P.L.2021, c.16 (C.24:6I-35);

(3) Require usable cannabis produced by cannabis cultivators to be tested in accordance with P.L.2021, c.16 (C.24:6I-31 et al.);

(4) Require cannabis cultivators to submit, at the time of applying for or renewing a license under P.L.2021, c.16 (C.24:6I-31 et al.), a report describing the applicant's or licensee's electrical and water usage; and

(5) Require a cannabis cultivator to meet any public health and safety standards, industry best practices, and all applicable regulations established by the commission related to the production of cannabis or the propagation of immature cannabis plants and the seeds of the plant *Cannabis sativa* L. within the plant family *Cannabaceae*. The commission may regulate the number of immature cannabis plants that may be possessed by a cannabis cultivator licensed under this section, and the size of the grow canopy a cannabis cultivator licensed under this section uses to grow immature cannabis plants.

c. Fees adopted under subsection b. of this section:

(1) Shall be in the form of a schedule that imposes a greater fee for premises with more square footage or on which more mature cannabis plants are grown; and

(2) Shall be deposited in the "Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Fund" established under section 41 of P.L.2021, c.16 (C.24:6I-50).

d. (1) The commission shall issue or deny issuance of a Class 1 Cannabis Cultivator license or conditional license in accordance with the procedures set forth in section 18 of P.L.2021, c.16 (C.24:6I-35).

(2) The commission may suspend or revoke a Class 1 Cannabis Cultivator license or conditional license to operate as a cannabis cultivator for cause, which shall be considered a final agency action for the purposes of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) and shall be subject only to judicial review as provided in the Rules of Court.

e. A person who has been issued a license or conditional license shall display the license or conditional license at the premises at all times when cannabis is being produced.

f. As required by the commission in regulation, a licensee or conditional licensee shall report required changes in information about the licensee to the commission within the time specified by the commission.

C.24:6I-38 Grow canopies for licensed cannabis cultivators.

21. Grow Canopies for Licensed Cannabis Cultivators.

a. Subject to subsection b. of this section, the commission shall adopt rules or regulations restricting the size of mature cannabis plant grow canopies at premises for which a license has been issued to a cannabis cultivator pursuant to P.L.2021, c.16 (C.24:6I-31 et al.).

b. When adopting rules and regulations under this section, the commission shall consider whether to:

(1) Limit the size of mature cannabis plant grow canopies for premises where cannabis is grown outdoors and for premises where cannabis is grown indoors in a manner calculated to result in premises that produce the same amount of harvested cannabis leaves and harvested cannabis flowers, regardless of whether the cannabis is grown outdoors or indoors;

(2) Adopt a tiered system under which the permitted size of a cannabis cultivators' mature cannabis plant grow canopy may increase or decrease at the time of licensure renewal in accordance with that tiered system, except that the permitted size of a cannabis cultivator's mature cannabis plant grow canopy may not increase following any year during which the commission disciplined the cannabis cultivator for violating a provision of, or a rule or regulation adopted under, a provision of P.L.2021, c.16 (C.24:6I-31 et al.); provided, that at the time of adoption, any growing or cultivation square footage previously approved or authorized for an alternative treatment center that was issued a permit prior to the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.), or that was issued a permit on or after that effective date pursuant to an application submitted prior to that effective date, shall not be reduced, but the commission's adopted tiered system shall apply to the growing or cultivation square footage of that alternative treatment center thereafter;

(3) Take into consideration the market demand for cannabis items in this State, the number of persons applying for a license pursuant to sections 20, 22, 23, 24, 25, and 26 of P.L.2021, c.16 (C.24:6I-37, C.24:6I-39, C.24:6I-40, C.24:6I-41, C.24:6I-42, and C.24:6I-43), and to whom a license has been issued pursuant to those sections, and whether the availability of cannabis items in this State is commensurate with the market demand.

c. This section shall not apply to premises for which a license has been issued to a cannabis cultivator pursuant to section 20 of P.L.2021, c.16 (C.24:6I-37), if the premises is used only to propagate immature cannabis plants.

C.24:6I-39 Class 2 cannabis manufacturer license.

22. Class 2 Cannabis Manufacturer license.

A cannabis manufacturer shall have a Class 2 Cannabis Manufacturer license issued by the commission for the premises at which the cannabis items are manufactured. The commission shall determine the maximum number of licenses, of which at least 35 percent shall be conditional licenses issued pursuant to subparagraph (a) of paragraph (2) of subsection b. of section 19 of P.L.2021, c.16 (C.24:6I-36), and at least 10 percent of the total number of licenses and conditional licenses shall be designated for and only issued to microbusinesses pursuant to subsection f. of that section. Providing there exist qualified applicants, the commission shall issue a sufficient number of licenses to meet the market demands of the State, and may, as authorized by paragraph (1) of subsection a. of section 18 of P.L.2021, c.16 (C.24:6I-35), accept new applications for additional licenses as it deems necessary to meet those demands.

a. To hold a Class 2 Cannabis Manufacturer license under this section, an applicant:

(1) Shall apply for a license in the manner described in section 18 of P.L.2021, c.16 (C.24:6I-35);

(2) Shall have at least one significantly involved person who has resided in this State for at least two years as of the date of the application, and provide proof that this person and any other person with a financial interest who also has decision making authority for the cannabis manufacturer listed on an application submitted under section 18 of P.L.2021, c.16 (C.24:6I-35) is 21 years of age or older;

(3) Shall meet the requirements of any rule or regulation adopted by the commission under subsection b. of this section; and

(4) Shall provide for each of the following persons to undergo a criminal history record background check: any owner, other than an owner who holds less than a five percent investment interest in the cannabis manufacturer or

who is a member of a group that holds less than a 20 percent investment interest in the cannabis manufacturer and no member of that group holds more than a five percent interest in the total group investment, and who lacks the authority to make controlling decisions regarding the cannabis manufacturer's operations; any director; any officer; and any employee.

(a) Pursuant to this provision, the commission is authorized to exchange fingerprint data with and receive criminal history record background information from the Division of State Police and the Federal Bureau of Investigation consistent with the provisions of applicable State and federal laws, rules, and regulations. The Division of State Police shall forward criminal history record background information to the commission in a timely manner when requested pursuant to the provisions of this section;

(b) Each person shall submit to being fingerprinted in accordance with applicable State and federal laws, rules, and regulations. No check of criminal history record background information shall be performed pursuant to this section unless a person has furnished his written consent to that check. A person who refuses to consent to, or cooperate in, the securing of a check of criminal history record background information shall not be considered for licensure as a manufacturer. Each person shall bear the cost for the criminal history record background check, including all costs of administering and processing the check;

(c) (i) With respect to determining whether any conviction of a person contained in the criminal history record background check should disqualify an applicant for a Class 2 Cannabis Manufacturer license, the commission shall not take into consideration any conviction for a crime or offense that occurred prior to the effective date of P.L.2021, c.16 (C.24:6I-31 et al.) involving a controlled dangerous substance or controlled substance analog as set forth in paragraph (11) or (12) of subsection b., or subparagraph (b) of paragraph (10) of subsection b. of N.J.S.2C:35-5, or paragraph (3) or (4) of subsection a. of N.J.S.2C:35-10, or any similar indictable offense under federal law, this State's law, or any other state's law, or for any conviction under federal law for conduct involving cannabis or a cannabis item that is authorized by P.L.2021, c.16 (C.24:6I-31 et al.). Additionally, the commission shall not take into consideration any other prior conviction, unless that conviction is for an indictable offense under federal law, other than a conviction for conduct involving cannabis or a cannabis item that is authorized by P.L.2021, c.16 (C.24:6I-31 et al.), or under this State's law, or any other state's law that is substantially related to the qualifications, functions, or duties for which the license is required, and not more than five years have passed since the date of that conviction, satisfactory completion of probation or parole, or release from incarceration, whichever is later. In determining which indictable offenses are substantially related to the

qualifications, functions, or duties for which the license is required, the commission shall at least consider any conviction involving fraud, deceit, or embezzlement, and any conviction for N.J.S.2C:35-6, employing a minor in a drug distribution scheme, or similar indictable offense in this or another jurisdiction involving the use of a minor to dispense or distribute a controlled dangerous substance or controlled substance analog;

(ii) The commission may approve an applicant for a Class 2 Cannabis Manufacturer license after conducting a thorough review of any previous conviction of a person that substantially related to the qualifications, functions, or duties for which the license is required that is contained in the criminal history record background information, and this review shall include examining the nature of the indictable offense, the circumstances at the time of committing the offense, and evidence of rehabilitation since conviction. If the commission determines that the reviewed conviction should not disqualify the applicant, the applicant may be approved so long as the applicant is otherwise qualified to be issued the license; and

(d) Upon receipt and review of the criminal history record background information from the Division of State Police and the Federal Bureau of Investigation, the commission shall provide written notification to the applicant of the qualification or disqualification for a Class 2 Cannabis Manufacturer license.

If the applicant is disqualified because the commission determined that a person has a disqualifying conviction pursuant to the provisions of this section, the conviction that constitutes the basis for the disqualification shall be identified in the written notice.

(e) The Division of State Police shall promptly notify the commission in the event that an individual who was the subject of a criminal history record background check conducted pursuant to this section is convicted of a crime or offense in this State after the date the background check was performed. Upon receipt of that notification, the commission shall make a determination regarding the continued eligibility for the applicant, or following application, for the licensee, to hold a Class 2 Cannabis Manufacturer license.

b. The commission shall adopt rules that:

(1) Provide for the annual renewal of the Class 2 Cannabis Manufacturer license;

(2) Establish application, licensure, and renewal of licensure fees for cannabis manufacturers in accordance with paragraph (2) of subsection a. of section 18 of P.L.2021, c.16 (C.24:6I-35);

(3) Require cannabis items manufactured by cannabis manufacturers to be tested in accordance with P.L.2021, c.16 (C.24:6I-31 et al.); and

(4) Require a cannabis manufacturer to meet any public health and safety standards, industry best practices, and all applicable regulations established by the commission related to the manufacturing of cannabis items.

c. Fees adopted under subsection b. of this section:

(1) Shall be in the form of a schedule that imposes a greater fee for premises with more square footage; and

(2) Shall be deposited in the "Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Fund" established under section 41 of P.L.2021, c.16 (C.24:6I-50).

d. (1) The commission shall issue or deny issuance of a Class 2 Cannabis Manufacturer license or conditional license in accordance with the procedures set forth in section 18 of P.L.2021, c.16 (C.24:6I-35).

(2) The commission may suspend or revoke a Class 2 Cannabis Manufacturer license or conditional license to operate as a cannabis manufacturer for cause, which shall be considered a final agency action for the purposes of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) and shall be subject only to judicial review as provided in the Rules of Court.

e. A person who has been issued a license or conditional license shall display the license or conditional license at the premises at all times when cannabis items are being manufactured.

f. As required by the commission in regulation, a licensee or conditional licensee shall report required changes in information about the licensee to the commission within the time specified by the commission.

C.24:6I-40 Class 3 cannabis wholesaler license.

23. Class 3 Cannabis Wholesaler license.

A cannabis wholesaler shall have a Class 3 Cannabis Wholesaler license issued by the commission for the premises at which cannabis items are warehoused. The commission shall determine the maximum number of licenses, of which at least 35 percent shall be conditional licenses issued pursuant to subparagraph (a) of paragraph (2) of subsection b. of section 19 of P.L.2021, c.16 (C.24:6I-36), and at least 10 percent of the total number of licenses and conditional licenses shall be designated for and only issued to microbusinesses pursuant to subsection f. of that section. Providing there exist qualified applicants, the commission shall issue a sufficient number of licenses to meet the market demands of the State, and may, as authorized by paragraph (1) of subsection a. of section 18 of P.L.2021, c.16 (C.24:6I-35), accept new applications for additional licenses as it deems necessary to meet those demands.

a. To hold a Class 3 Cannabis Wholesaler license under this section, an applicant:

(1) Shall apply for a license in the manner described in section 18 of P.L.2021, c.16 (C.24:6I-35);

(2) Shall have at least one significantly involved person who has resided in this State for at least two years as of the date of the application, and provide proof that this person and any other person with a financial interest who also has decision making authority for the cannabis wholesaler listed on an application submitted under section 18 of P.L.2021, c.16 (C.24:6I-35) is 21 years of age or older;

(3) Shall meet the requirements of any rule or regulation adopted by the commission under subsection b. of this section; and

(4) Shall provide for each of the following persons to undergo a criminal history record background check: any owner, other than an owner who holds less than a five percent investment interest in the cannabis wholesaler or who is a member of a group that holds less than a 20 percent investment interest in the cannabis wholesaler and no member of that group holds more than a five percent interest in the total group investment, and who lacks the authority to make controlling decisions regarding the cannabis wholesaler's operations; any director; any officer; and any employee.

(a) Pursuant to this provision, the commission is authorized to exchange fingerprint data with and receive criminal history record background information from the Division of State Police and the Federal Bureau of Investigation consistent with the provisions of applicable State and federal laws, rules, and regulations. The Division of State Police shall forward criminal history record background information to the commission in a timely manner when requested pursuant to the provisions of this section;

(b) Each person shall submit to being fingerprinted in accordance with applicable State and federal laws, rules, and regulations. No check of criminal history record background information shall be performed pursuant to this section unless a person has furnished his written consent to that check. A person who refuses to consent to, or cooperate in, the securing of a check of criminal history record background information shall not be considered for licensure as a wholesaler. Each person shall bear the cost for the criminal history record background check, including all costs of administering and processing the check;

(c) (i) With respect to determining whether any conviction of a person contained in the criminal history record background check should disqualify an applicant for a Class 3 Cannabis Wholesaler license, the commission shall not take into consideration any conviction for a crime or offense that occurred prior to the effective date of P.L.2021, c.16 (C.24:6I-31 et al.) involving a con-

trolled dangerous substance or controlled substance analog as set forth in paragraph (11) or (12) of subsection b., or subparagraph (b) of paragraph (10) of subsection b. of N.J.S.2C:35-5, or paragraph (3) or (4) of subsection a. of N.J.S.2C:35-10, or any similar indictable offense under federal law, this State's law, or any other state's law, or for any conviction under federal law for conduct involving cannabis or a cannabis item that is authorized by P.L.2021, c.16 (C.24:6I-31 et al.). Additionally, the commission shall not take into consideration any other prior conviction, unless that conviction is for an indictable offense under federal law, other than a conviction for conduct involving cannabis or a cannabis item that is authorized by P.L.2021, c.16 (C.24:6I-31 et al.); or under this State's law, or any other state's law that is substantially related to the qualifications, functions, or duties for which the license is required, and not more than five years have passed since the date of that conviction, satisfactory completion of probation or parole, or release from incarceration, whichever is later. In determining which indictable offenses are substantially related to the qualifications, functions, or duties for which the license is required, the commission shall at least consider any conviction involving fraud, deceit, or embezzlement, and any conviction for N.J.S.2C:35-6, employing a minor in a drug distribution scheme, or similar indictable offense in this or another jurisdiction involving the use of a minor to dispense or distribute a controlled dangerous substance or controlled substance analog;

(ii) The commission may approve an applicant for a Class 3 Cannabis Wholesaler license after conducting a thorough review of any previous conviction of a person that substantially related to the qualifications, functions, or duties for which the license is required that is contained in the criminal history record background information, and this review shall include examining the nature of the indictable offense, the circumstances at the time of committing the offense, and evidence of rehabilitation since conviction. If the commission determines that the reviewed conviction should not disqualify the applicant, the applicant may be approved so long as the applicant is otherwise qualified to be issued the license; and

(d) Upon receipt and review of the criminal history record background information from the Division of State Police and the Federal Bureau of Investigation, the commission shall provide written notification to the applicant of the qualification or disqualification for a Class 3 Cannabis Wholesaler license.

If the applicant is disqualified because the commission determined that a person has a disqualifying conviction pursuant to the provisions of this section, the conviction that constitutes the basis for the disqualification shall be identified in the written notice.

(e) The Division of State Police shall promptly notify the commission in the event that an individual who was the subject of a criminal history record background check conducted pursuant to this section is convicted of a crime or offense in this State after the date the background check was performed. Upon receipt of that notification, the commission shall make a determination regarding the continued eligibility for the applicant, or following application, for the licensee to hold a Class 3 Cannabis Wholesaler license.

b. The commission shall adopt rules that:

(1) Provide for the annual renewal of the Class 3 Cannabis Wholesaler license;

(2) Establish application, licensure, and renewal of licensure fees for cannabis wholesalers in accordance with paragraph (2) of subsection a. of section 18 of P.L.2021, c.16 (C.24:6I-35); and

(3) Require a cannabis wholesaler to meet any public health and safety standards, industry best practices, and all applicable regulations established by the commission related to the warehousing of cannabis items.

c. Fees adopted under subsection b. of this section:

(1) Shall be in the form of a schedule that imposes a greater fee for premises with more square footage; and

(2) Shall be deposited in the "Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Fund" established under section 41 of P.L.2021, c.16 (C.24:6I-50).

d. (1) The commission shall issue or deny issuance of a Class 3 Cannabis Wholesaler license or conditional license in accordance with the procedures set forth in section 18 of P.L.2021, c.16 (C.24:6I-35).

(2) The commission may suspend or revoke a Class 3 Cannabis Wholesaler license or conditional license to operate as a cannabis wholesaler for cause, which shall be considered a final agency action for the purposes of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) and shall be subject only to judicial review as provided in the Rules of Court.

e. A person who has been issued a license or conditional license shall display the license or conditional license at the premises at all times when cannabis is being warehoused.

f. As required by the commission in regulation, a licensee or conditional licensee shall report required changes in information about the licensee to the commission within the time specified by the commission.

C.24:6I-41 Class 4 cannabis distributor license.

24. Class 4 Cannabis Distributor license.

A cannabis distributor shall have a Class 4 Cannabis Distributor license issued by the commission for the premises from which the cannabis distributor will conduct operations to transport cannabis items in bulk. The commission shall determine the maximum number of licenses, of which at least 35 percent shall be conditional licenses issued pursuant to subparagraph (a) of paragraph (2) of subsection b. of section 19 of P.L.2021, c.16 (C.24:6I-36), and at least 10 percent of the total number of licenses and conditional licenses shall be designated for and only issued to microbusinesses pursuant to subsection f. of that section. Providing there exist qualified applicants, the commission shall issue a sufficient number of licenses to meet the market demands of the State, and may, as authorized by paragraph (1) of subsection a. of section 18 P.L.2021, c.16 (C.24:6I-35), accept new applications for additional licenses as it deems necessary to meet those demands.

a. To hold a Class 4 Cannabis Distributor license under this section, an applicant:

(1) Shall apply for a license in the manner described in section 18 of P.L.2021, c.16 (C.24:6I-35);

(2) Shall have at least one significantly involved person who has resided in this State for at least two years as of the date of the application, and provide proof that this person and any other person with a financial interest who also has decision making authority for the cannabis distributor listed on an application submitted under section 18 of P.L.2021, c.16 (C.24:6I-35) is 21 years of age or older;

(3) Shall meet the requirements of any rule or regulation adopted by the commission under subsection b. of this section; and

(4) Shall provide for each of the following persons to undergo a criminal history record background check: any owner, other than an owner who holds less than a five percent investment interest in the cannabis distributor or who is a member of a group that holds less than a 20 percent investment interest in the cannabis distributor and no member of that group holds more than a five percent interest in the total group investment, and who lacks the authority to make controlling decisions regarding the cannabis distributor's operations; any director; any officer; and any employee.

(a) Pursuant to this provision, the commission is authorized to exchange fingerprint data with and receive criminal history record background information from the Division of State Police and the Federal Bureau of Investigation consistent with the provisions of applicable State and federal laws, rules, and regulations. The Division of State Police shall forward criminal history record background information to the commission in a timely manner when requested pursuant to the provisions of this section;

(b) Each person shall submit to being fingerprinted in accordance with applicable State and federal laws, rules, and regulations. No check of criminal history record background information shall be performed pursuant to this section unless a person has furnished his written consent to that check. A person who refuses to consent to, or cooperate in, the securing of a check of criminal history record background information shall not be considered for licensure as a distributor. Each person shall bear the cost for the criminal history record background check, including all costs of administering and processing the check;

(c) (i) With respect to determining whether any conviction of a person contained in the criminal history record background check should disqualify an applicant for a Class 4 Cannabis Distributor license, the commission shall not take into consideration any conviction for a crime or offense that occurred prior to the effective date of P.L.2021, c.16 (C.24:6I-31 et al.) involving a controlled dangerous substance or controlled substance analog as set forth in paragraph (11) or (12) of subsection b., or subparagraph (b) of paragraph (10) of subsection b. of N.J.S.2C:35-5, or paragraph (3) or (4) of subsection a. of N.J.S.2C:35-10, or any similar indictable offense under federal law, this State's law, or any other state's law, or for any conviction under federal law for conduct involving cannabis or a cannabis item that is authorized by P.L.2021, c.16 (C.24:6I-31 et al.). Additionally, the commission shall not take into consideration any other prior conviction, unless that conviction is for an indictable offense under federal law, other than a conviction for conduct involving cannabis or a cannabis item that is authorized by P.L.2021, c.16 (C.24:6I-31 et al.), or under this State's law, or any other state's law that is substantially related to the qualifications, functions, or duties for which the license is required, and not more than five years have passed since the date of that conviction, satisfactory completion of probation or parole, or release from incarceration, whichever is later. In determining which indictable offenses are substantially related to the qualifications, functions, or duties for which the license is required, the commission shall at least consider any conviction involving fraud, deceit, or embezzlement, and any conviction for N.J.S.2C:35-6, employing a minor in a drug distribution scheme, or similar indictable offense in this or another jurisdiction involving the use of a minor to dispense or distribute a controlled dangerous substance or controlled substance analog;

(ii) The commission may approve an applicant for a Class 4 Cannabis Distributor license after conducting a thorough review of any previous conviction of a person that substantially related to the qualifications, functions, or duties for which the license is required that is contained in the criminal history record background information, and this review shall include examining the nature of the indictable offense, the circumstances at the time of

committing the offense, and evidence of rehabilitation since conviction. If the commission determines that the reviewed conviction should not disqualify the applicant, the applicant may be approved so long as the applicant is otherwise qualified to be issued the license; and

(d) Upon receipt and review of the criminal history record background information from the Division of State Police and the Federal Bureau of Investigation, the commission shall provide written notification to the applicant of the qualification or disqualification for a Class 4 Cannabis Distributor license.

If the applicant is disqualified because the commission determined that a person has a disqualifying conviction pursuant to the provisions of this section, the conviction that constitutes the basis for the disqualification shall be identified in the written notice.

(e) The Division of State Police shall promptly notify the commission in the event that an individual who was the subject of a criminal history record background check conducted pursuant to this section is convicted of a crime or offense in this State after the date the background check was performed. Upon receipt of that notification, the commission shall make a determination regarding the continued eligibility for the applicant, or following application, for the licensee to hold a Class 4 Cannabis Distributor license.

b. The commission shall adopt rules that:

(1) Provide for the annual renewal of the Class 4 Cannabis Distributor license;

(2) Establish application, licensure, and renewal of licensure fees for cannabis distributors in accordance with paragraph (2) of subsection a. of section 18 of P.L.2021, c.16 (C.24:6I-35); and

(3) Require a cannabis distributor to meet any public health and safety standards, industry best practices, and all applicable regulations established by the commission related to the bulk transportation of cannabis items.

c. Fees adopted under subsection b. of this section:

(1) Shall be in the form of a schedule that imposes a greater fee for larger transportation operations; and

(2) Shall be deposited in the "Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Fund" established under section 41 of P.L.2021, c.16 (C.24:6I-50).

d. (1) The commission shall issue or deny issuance of a Class 4 Cannabis Distributor license or conditional license in accordance with the procedures set forth in section 18 of P.L.2021, c.16 (C.24:6I-35).

(2) The commission may suspend or revoke a Class 4 Cannabis Distributor license or conditional license to operate as a cannabis distributor for cause, which shall be considered a final agency action for the purposes of the

"Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) and shall be subject only to judicial review as provided in the Rules of Court.

e. A person who has been issued a license or conditional license shall display the license or conditional license at the distributor's premises at all times when cannabis is being transported.

f. As required by the commission in regulation, a licensee or conditional licensee shall report required changes in information about the licensee to the commission within the time specified by the commission.

C.24:6I-42 Class 5 cannabis retailer license.

25. Class 5 Cannabis Retailer license. A cannabis retailer shall have a Class 5 Cannabis Retailer license issued by the commission for the premises at which cannabis items are retailed, which may include purchase orders for off-premises delivery by a certified cannabis handler working for or on behalf of the cannabis retailer, or consumer purchases to be fulfilled from the retail premises that are presented by a cannabis delivery service with a Class 6 Cannabis Delivery Service license and which will be delivered by the cannabis delivery service to that consumer. The commission shall determine the maximum number of licenses, of which at least 35 percent shall be conditional licenses issued pursuant to subparagraph (a) of paragraph (2) of subsection b. of section 19 of P.L.2021, c.16 (C.24:6I-36), and at least 10 percent of the total number of licenses and conditional licenses shall be designated for and only issued to microbusinesses pursuant to subsection f. of that section. Providing there exist qualified applicants, the commission shall issue a sufficient number of licenses to meet the market demands of the State, and may, as authorized by paragraph (1) of subsection a. of section 18 of P.L.2021, c.16 (C.24:6I-35), accept new applications for additional licenses as it deems necessary to meet those demands.

a. To hold a Class 5 Cannabis Retailer license under this section, a cannabis retailer:

(1) Shall apply for a license in the manner described in section 18 of P.L.2021, c.16 (C.24:6I-35);

(2) Shall have at least one significantly involved person who has resided in this State for at least two years as of the date of the application, and provide proof that this person and any other person with a financial interest who also has decision making authority for the cannabis retailer listed on an application submitted under section 18 of P.L.2021, c.16 (C.24:6I-35) is 21 years of age or older;

(3) Shall meet the requirements of any rule adopted by the commission under subsection b. of this section; and

(4) Shall provide for each of the following persons to undergo a criminal history record background check: any owner, other than an owner who holds less than a five percent investment interest in the cannabis retailer or who is a member of a group that holds less than a 20 percent investment interest in the cannabis retailer and no member of that group holds more than a five percent interest in the total group investment, and who lacks the authority to make controlling decisions regarding the cannabis retailer's operations; any director; any officer; and any employee.

(a) Pursuant to this provision, the commission is authorized to exchange fingerprint data with and receive criminal history record background information from the Division of State Police and the Federal Bureau of Investigation consistent with the provisions of applicable State and federal laws, rules, and regulations. The Division of State Police shall forward criminal history record background information to the commission in a timely manner when requested pursuant to the provisions of this section;

(b) Each person shall submit to being fingerprinted in accordance with applicable State and federal laws, rules, and regulations. No check of criminal history record background information shall be performed pursuant to this section unless a person has furnished his written consent to that check. A person who refuses to consent to, or cooperate in, the securing of a check of criminal history record background information shall not be considered for licensure as a retailer. Each person shall bear the cost for the criminal history record background check, including all costs of administering and processing the check;

(c) (i) With respect to determining whether any conviction of a person contained in the criminal history record background check should disqualify an applicant for a Class 5 Cannabis Retailer license, the commission shall not take into consideration any conviction for a crime or offense that occurred prior to the effective date of P.L.2021, c.16 (C.24:6I-31 et al.) involving a controlled dangerous substance or controlled substance analog as set forth in paragraph (11) or (12) of subsection b., or subparagraph (b) of paragraph (10) of subsection b. of N.J.S.2C:35-5, or paragraph (3) or (4) of subsection a. of N.J.S.2C:35-10, or any similar indictable offense under federal law, this State's law, or any other state's law, or for any conviction under federal law for conduct involving cannabis or a cannabis item that is authorized by P.L.2021, c.16 (C.24:6I-31 et al.). Additionally, the commission shall not take into consideration any other prior conviction, unless that conviction is for an indictable offense under federal law, other than a conviction for conduct involving cannabis or a cannabis item that is authorized by P.L.2021, c.16 (C.24:6I-31 et al.), or under this State's law, or any other state's law that is substantially related to

the qualifications, functions, or duties for which the license is required, and not more than five years have passed since the date of that conviction, satisfactory completion of probation or parole, or release from incarceration, whichever is later. In determining which indictable offenses are substantially related to the qualifications, functions, or duties for which the license is required, the commission shall at least consider any conviction involving fraud, deceit, or embezzlement, and any conviction for N.J.S.2C:35-6, employing a minor in a drug distribution scheme, or similar indictable offense in this or another jurisdiction involving the use of a minor to dispense or distribute a controlled dangerous substance or controlled substance analog;

(ii) The commission may approve an applicant for a Class 5 Cannabis Retailer license after conducting a thorough review of any previous conviction of a person that substantially related to the qualifications, functions, or duties for which the license is required that is contained in the criminal history record background information, and this review shall include examining the nature of the indictable offense, the circumstances at the time of committing the offense, and evidence of rehabilitation since conviction. If the commission determines that the reviewed conviction should not disqualify the applicant, the applicant may be approved so long as the applicant is otherwise qualified to be issued the license; and

(d) Upon receipt and review of the criminal history record background information from the Division of State Police and the Federal Bureau of Investigation, the commission shall provide written notification to the applicant of the qualification or disqualification for a Class 5 Cannabis Retailer license.

If the applicant is disqualified because the commission determined that a person has a disqualifying conviction pursuant to the provisions of this section, the conviction that constitutes the basis for the disqualification shall be identified in the written notice.

(e) The Division of State Police shall promptly notify the commission in the event that an individual who was the subject of a criminal history record background check conducted pursuant to this section is convicted of a crime or offense in this State after the date the background check was performed. Upon receipt of that notification, the commission shall make a determination regarding the continued eligibility for the applicant, or following application, for the licensee, to hold a Class 5 Cannabis Retailer license.

b. The commission shall adopt rules that:

(1) Provide for the annual renewal of the Class 5 Cannabis Retailer license;

(2) Establish application, licensure, and renewal of licensure fees for a cannabis retailer in accordance with paragraph (2) of subsection a. of section 18 of P.L.2021, c.16 (C.24:6I-35); and

(3) Require a cannabis retailer to meet any public health and safety standards, industry best practices, and all applicable regulations established by the commission related to the retailing of cannabis items.

c. Fees adopted under subsection b. of this section:

(1) Shall be in the form of a schedule that imposes a greater fee for premises with more square footage; and

(2) Shall be deposited in the "Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Fund" established under section 41 of P.L.2021, c.16 (C.24:6I-50).

d. (1) The commission shall issue or deny issuance of a Class 5 Cannabis Retailer license or conditional license in accordance with the procedures set forth in section 18 of P.L.2021, c.16 (C.24:6I-35).

(2) The commission may suspend or revoke a Class 5 Cannabis Retailer license or conditional license to operate as a cannabis retailer for cause, which shall be considered a final agency action for the purposes of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) and shall be subject only to judicial review as provided in the Rules of Court.

e. A person who has been issued a license or conditional license shall display the license or conditional license at the premises at all times when cannabis is being retailed.

f. As required by the commission in regulation, a licensee or conditional licensee shall report required changes in information about the licensee to the commission within the time specified by the commission.

g. Subject to receiving an endorsement pursuant to section 28 of P.L.2019, c.153 (C.24:6I-21):

(1) A licensed cannabis retailer may operate a cannabis consumption area at which the on-premises consumption of cannabis items either obtained from the retailer, or brought by a person to the consumption area, may occur.

(2) Each licensed cannabis retailer may operate only one cannabis consumption area.

(3) The cannabis consumption area shall be either (a) an indoor, structurally enclosed area of the licensed cannabis retailer that is separate from the area in which retail sales of cannabis items occur or (b) an exterior structure on the same premises as the retailer, either separate from or connected to the retailer.

(4) A Class 5 Cannabis Retailer licensee that has been approved for a cannabis consumption area endorsement may transfer cannabis items purchased by a consumer in its retail establishment to that consumer in its cannabis consumption area. The Class 5 Cannabis Retailer licensee shall not transfer to the consumption area an amount of cannabis items that exceed the limits established by the commission.

C.24:6I-43 Class 6 cannabis delivery license.**26. Class 6 Cannabis Delivery license.**

A cannabis delivery service shall have a Class 6 Cannabis Delivery license issued by the commission for the premises from which the cannabis delivery service will conduct operations to provide courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer. The commission shall determine the maximum number of licenses, of which at least 35 percent shall be conditional licenses issued pursuant to subparagraph (a) of paragraph (2) of subsection b. of section 19 of P.L.2021, c.16 (C.24:6I-36), and at least 10 percent of the total number of licenses and conditional licenses shall be designated for and only issued to microbusinesses pursuant to subsection f. of that section. Providing there exist qualified applicants, the commission shall issue a sufficient number of licenses to meet the market demands of the State, and may, as authorized by paragraph (1) of subsection a. of section 18 of P.L.2021, c.16 (C.24:6I-35), accept new applications for additional licenses as it deems necessary to meet those demands.

a. To hold a Class 6 Cannabis Delivery license under this section, an applicant:

(1) Shall apply for a license in the manner described in section 18 of P.L.2021, c.16 (C.24:6I-35);

(2) Shall have at least one significantly involved person who has resided in this State for at least two years as of the date of the application, and provide proof that this person and any other person with an investment interest who also has decision making authority for the cannabis delivery service listed on an application submitted under section 18 of P.L.2021, c.16 (C.24:6I-35) is 21 years of age or older;

(3) Shall meet the requirements of any rule or regulation adopted by the commission under subsection b. of this section; and

(4) Shall provide for each of the following persons to undergo a criminal history record background check: any owner, other than an owner who holds less than a five percent investment interest in the cannabis delivery service or who is a member of a group that holds less than a 20 percent investment interest in the cannabis delivery service and no member of that group holds more than a five percent interest in the total group investment, and who lacks

the authority to make controlling decisions regarding the cannabis delivery service's operations; any director; any officer; and any employee.

(a) Pursuant to this provision, the commission is authorized to exchange fingerprint data with and receive criminal history record background information from the Division of State Police and the Federal Bureau of Investigation consistent with the provisions of applicable State and federal laws, rules, and regulations. The Division of State Police shall forward criminal history record background information to the commission in a timely manner when requested pursuant to the provisions of this section;

(b) Each person shall submit to being fingerprinted in accordance with applicable State and federal laws, rules, and regulations. No check of criminal history record background information shall be performed pursuant to this section unless a person has furnished his written consent to that check. A person who refuses to consent to, or cooperate in, the securing of a check of criminal history record background information shall not be considered for licensure as a delivery service. Each person shall bear the cost for the criminal history record background check, including all costs of administering and processing the check;

(c) (i) With respect to determining whether any conviction of a person contained in the criminal history record background check should disqualify an applicant for a Class 6 Cannabis Delivery license, the commission shall not take into consideration any conviction for a crime or offense that occurred prior to the effective date of P.L.2021, c.16 (C.24:6I-31 et al.) involving a controlled dangerous substance or controlled substance analog as set forth in paragraph (11) or (12) of subsection b., or subparagraph (b) of paragraph (10) of subsection b. of N.J.S.2C:35-5, or paragraph (3) or (4) of subsection a. of N.J.S.2C:35-10, or any similar indictable offense under federal law, this State's law, or any other state's law, or for any conviction under federal law for conduct involving cannabis or a cannabis item that is authorized by P.L.2021, c.16 (C.24:6I-31 et al.). Additionally, the commission shall not take into consideration any other prior conviction, unless that conviction is for an indictable offense under federal law, other than a conviction for conduct involving cannabis or a cannabis item that is authorized by P.L.2021, c.16 (C.24:6I-31 et al.), or under this State's law, or any other state's law that is substantially related to the qualifications, functions, or duties for which the license is required, and not more than five years have passed since the date of that conviction, satisfactory completion of probation or parole, or release from incarceration, whichever is later. In determining which indictable offenses are substantially related to the qualifications, functions, or duties for which the license is required, the com-

mission shall at least consider any conviction involving fraud, deceit, or embezzlement, and any conviction for N.J.S.2C:35-6, employing a minor in a drug distribution scheme, or similar indictable offense in this or another jurisdiction involving the use of a minor to dispense or distribute a controlled dangerous substance or controlled substance analog;

(ii) The commission may approve an applicant for a Class 6 Cannabis Delivery license after conducting a thorough review of any previous conviction of a person that substantially related to the qualifications, functions, or duties for which the license is required that is contained in the criminal history record background information, and this review shall include examining the nature of the indictable offense, the circumstances at the time of committing the offense, and evidence of rehabilitation since conviction. If the commission determines that the reviewed conviction should not disqualify the applicant, the applicant may be approved so long as the applicant is otherwise qualified to be issued the license; and

(d) Upon receipt and review of the criminal history record background information from the Division of State Police and the Federal Bureau of Investigation, the commission shall provide written notification to the applicant of the qualification or disqualification for a Class 6 Cannabis Delivery license.

If the applicant is disqualified because the commission determined that a person has a disqualifying conviction pursuant to the provisions of this section, the conviction that constitutes the basis for the disqualification shall be identified in the written notice.

(e) The Division of State Police shall promptly notify the commission in the event that an individual who was the subject of a criminal history record background check conducted pursuant to this section is convicted of a crime or offense in this State after the date the background check was performed. Upon receipt of that notification, the commission shall make a determination regarding the continued eligibility for the applicant, or following application, for the licensee to hold a Class 6 Cannabis Delivery license.

b. The commission shall adopt rules that:

(1) Provide for the annual renewal of the Class 6 Cannabis Delivery license;

(2) Establish application, licensure, and renewal of licensure fees for cannabis delivery services in accordance with paragraph (2) of subsection a. of section 18 of P.L.2021, c.16 (C.24:6I-35); and

(3) Require a cannabis delivery service to meet any public health and safety standards, industry best practices, and all applicable regulations established by the commission by rule or regulation related to the delivery of cannabis items and related supplies to a consumer.

c. Fees adopted under subsection b. of this section:

(1) Shall be in the form of a schedule that imposes a greater fee for larger delivery operations; and

(2) Shall be deposited in the "Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Fund" established under section 41 of P.L.2021, c.16 (C.24:6I-50).

d. (1) The commission shall issue or deny issuance of a Class 6 Cannabis Delivery license or conditional license in accordance with the procedures set forth in section 18 of P.L.2021, c.16 (C.24:6I-35).

(2) The commission may suspend or revoke a Class 6 Cannabis Delivery license or conditional license to operate as a cannabis distributor for cause, which shall be considered a final agency action for the purposes of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) and shall be subject only to judicial review as provided in the Rules of Court.

e. A person who has been issued a license or conditional license shall display the license or conditional license at the delivery service's premises at all times when cannabis is being transported.

f. As required by the commission in regulation, a licensee or conditional licensee shall report required changes in information about the licensee to the commission within the time specified by the commission.

C.24:6I-44 Personal use cannabis handlers, transportation and delivery of cannabis and cannabis items.

27. Personal Use Cannabis Handlers; Transportation and Delivery of Cannabis and Cannabis Items.

a. (1) An individual who performs work for or on behalf of a person who holds a license classified pursuant to section 20, 22, 23, 24, 25, or 26 of P.L.2021, c.16 (C.24:6I-37, C.24:6I-39, C.24:6I-40, C.24:6I-41, C.24:6I-42, or C.24:6I-43) shall have a valid certification issued by the commission under this section if the individual participates in:

(a) the possession, securing, or selling of cannabis or cannabis items at the premises for which the license has been issued; (b) the recording of the possession, securing, or selling of cannabis or cannabis items at the premises for which the license has been issued; or

(c) the transportation of cannabis or cannabis items between licensed cannabis establishments or testing facilities, or delivery of cannabis items to consumers.

(2) An individual who has a valid certification as a personal use cannabis handler issued under this section may also simultaneously have a valid certification as a medical cannabis handler issued under section 27 of P.L.2019,

c.153 (C.24:6I-20) to perform work for or on behalf of entities issued medical cannabis permits or licenses as described in subsection a. of that section.

b. A person who holds a license classified pursuant to section 20, 22, 23, 24, 25, or 26 of P.L.2021, c.16 (C.24:6I-37, C.24:6I-39, C.24:6I-40, C.24:6I-41, C.24:6I-42, or C.24:6I-43) shall verify that an individual has a valid certification issued under this section before allowing the individual to perform any work described in this section for which the license has been issued pursuant to those sections.

c. The commission shall issue certifications to qualified applicants to perform work described in this section. The commission shall adopt rules and regulations establishing: the qualifications for performing work described in this section; the terms of a certification issued under this section; procedures for applying for and renewing a certification issued under this section; and reasonable application, issuance, and renewal fees for a certification issued under this section.

d. (1) (a) The commission may require an individual applying for a certification under this section to successfully complete a course, made available by or through the commission, in which the individual receives training on: checking identification; detecting intoxication; handling cannabis and cannabis items; statutory and regulatory provisions relating to cannabis; and any matter deemed necessary by the commission to protect the public health and safety. The commission or other provider may charge a reasonable fee for the course.

(b) The commission shall not require an individual to successfully complete the course more than once, except that the commission may adopt regulations directing continuing education training on a prescribed schedule.

(2) As part of a final order suspending a certification issued under this section, the commission may require a holder of a certification to successfully complete the course as a condition of lifting the suspension, and as part of a final order revoking a certification issued under this section the commission shall require an individual to successfully complete the course prior to applying for a new certification.

e. (1) Each individual applying for a certification under this section shall undergo a criminal history record background check. The commission is authorized to exchange fingerprint data with and receive criminal history record background information from the Division of State Police and the Federal Bureau of Investigation consistent with the provisions of applicable State and federal laws, rules, and regulations. The Division of State Police shall forward criminal history record background information to the commission in a timely manner when requested pursuant to the provisions of this subsection.

(2) Each individual shall submit to being fingerprinted in accordance with applicable State and federal laws, rules, and regulations. No check of criminal history record background information shall be performed pursuant to this subsection unless the individual has furnished written consent to that check. Any individual who refuses to consent to, or cooperate in, the securing of a check of criminal history record background information shall not be considered for a certification. Each individual shall bear the cost for the criminal history record background check, including all costs of administering and processing the check.

(3) Upon receipt and review of the criminal history record background information from the Division of State Police and the Federal Bureau of Investigation, the commission shall provide written notification to the individual of the qualification or disqualification for a certification. If the individual is disqualified because of a disqualifying conviction as set forth in subsection f. of this section, the conviction that constitutes the basis for the disqualification shall be identified in the written notice.

(4) The Division of State Police shall promptly notify the commission in the event that an individual who was the subject of a criminal history record background check conducted pursuant to this subsection is convicted of a crime in this State after the date the background check was performed. Upon receipt of that notification, the commission shall make a determination regarding the continued eligibility to hold a certification.

f. (1) (a) With respect to determining whether any conviction of an individual contained in the criminal history record background check should disqualify an applicant for a certification, the commission shall not take into consideration any conviction for a crime or offense that occurred prior to the effective date of P.L.2021, c.16 (C.24:6I-31 et al.) involving a controlled dangerous substance or controlled substance analog as set forth in paragraph (11) or (12) of subsection b., or subparagraph (b) of paragraph (10) of subsection b. of N.J.S.2C:35-5, or paragraph (3) or (4) of subsection a. of N.J.S.2C:35-10, or any similar indictable offense under federal law, this State's law, or any other state's law, or for any conviction under federal law for conduct involving cannabis or a cannabis item that is authorized by P.L.2021, c.16 (C.24:6I-31 et al.). Additionally, the commission shall not take into consideration any other prior conviction, unless that conviction is for an indictable offense under federal law, other than a conviction for conduct involving cannabis or a cannabis item that is authorized by P.L.2021, c.16 (C.24:6I-31 et al.), or under this State's law, or any other state's law that is substantially related to the qualifications, functions, or duties for which certification is required, and not more than five years have passed since the date of that conviction, satisfactory completion of probation

or parole, or release from incarceration, whichever is later. In determining which indictable offenses are substantially related to the qualifications, functions, or duties for which certification is required, the commission shall at least consider any conviction involving fraud, deceit, or embezzlement, and any conviction for N.J.S.2C:35-6, employing a minor in a drug distribution scheme, or similar indictable offense in this or another jurisdiction involving the use of a minor to dispense or distribute a controlled dangerous substance or controlled substance analog;

(b) The commission may approve an applicant for a certification after conducting a thorough review of any previous conviction of a person that substantially related to the qualifications, functions, or duties for which certification is required that is contained in the criminal history record background information, and this review shall include examining the nature of the indictable offense, the circumstances at the time of committing the offense, and evidence of rehabilitation since conviction. If the commission determines that the reviewed conviction should not disqualify the applicant, the applicant may be approved so long as the applicant is otherwise qualified to be issued the certification.

g. The commission shall deny an application to any applicant who fails to provide information, documentation and assurances as required by P.L.2021, c.16 (C.24:6I-31 et al.) or as requested by the commission, or who fails to reveal any material fact to qualification, or who supplies information which is untrue or misleading as to a material fact pertaining to the qualification criteria for certification.

h. The commission may suspend, revoke, or refuse to renew a certification if the individual who is applying for or who holds the certification: violates any provision of P.L.2021, c.16 (C.24:6I-31 et al.) or any rule or regulation adopted under P.L.2021, c.16 (C.24:6I-31 et al.); makes a false statement to the commission; or refuses to cooperate in any investigation by the commission.

i. A certification issued under this section is a personal privilege and permits work described under subsection a. of this section only for the individual who holds the certification.

j. In addition to the requirements for regulations set forth in paragraph (1) of subsection d. of section 6 of P.L.2021, c.16 (C.24:6I-34) the commission shall promulgate regulations to allow for a cannabis retailer's customer orders of cannabis items and related supplies to be delivered off-premises by a certified cannabis handler performing work for or on behalf of a cannabis retailer, as well as a certified cannabis handler employed by a cannabis delivery service providing courier services for consumer purchases of cannabis

items and related supplies fulfilled by the cannabis retailer, and which regulations shall include, but not be limited to, the following requirements:

(1) Deliveries shall be made only to a residence, including a temporary residence, in this State.

(2) Deliveries shall be made only to a legal consumer by a certified cannabis handler who is an employee of a cannabis retailer, cannabis delivery service, or an approved contractor vendor for a cannabis retailer.

(3) Deliveries shall not be made to a residence located on land owned by the federal government or any residence on land or in a building leased by the federal government.

(4) Each delivery vehicle shall be staffed by a certified cannabis handler who is an employee of the cannabis retailer or cannabis delivery service who shall be at least 18 years of age, or use an approved contract vendor whose certified cannabis handler delivery employees shall be at least 18 years of age.

(5) All deliveries of cannabis items shall be made in person. A delivery of cannabis items shall not be made through the use of an unmanned vehicle.

(6) Each certified cannabis handler shall carry a cannabis employee, cannabis delivery service, or contract vendor identification card. The cannabis handler shall present the identification card upon request to State and local law enforcement, and State and local regulatory authorities and agencies.

(7) Each certified cannabis handler shall have access to a secure form of communication with the cannabis retailer or cannabis delivery service making a customer delivery of a purchase order fulfilled by the cannabis retailer, such as a cellular telephone, at all times that a delivery vehicle contains cannabis items.

(8) During delivery, the certified cannabis handler shall maintain a physical or electronic copy of the customer's delivery request and shall make it available upon request to State and local law enforcement, and State and local regulatory authorities and agencies.

(9) Delivery vehicles shall be equipped with a secure lockbox in a secured cargo area, which shall be used for the sanitary and secure transport of cannabis items.

(10) A certified cannabis handler shall not leave cannabis items in an unattended delivery vehicle unless the vehicle is locked and equipped with an active vehicle alarm system.

(11) A delivery vehicle shall contain a Global Positioning System (GPS) device for identifying the geographic location of the delivery vehicle. The device shall be either permanently or temporarily affixed to the delivery vehicle while the delivery vehicle is in operation, and the device shall remain active and in the possession of the certified cannabis handler at all times during delivery. At all times, the cannabis retailer or cannabis delivery service

shall be able to identify the geographic location of all delivery vehicles that are making deliveries for the cannabis retailer, or for the cannabis delivery service making deliveries of customer purchase orders fulfilled by the cannabis retailer, as the case may be, and shall provide that information to the commission upon request.

(12) Upon request, a cannabis retailer or cannabis delivery service shall provide the commission with information regarding any vehicles used for delivery, including the vehicle's make, model, color, Vehicle Identification Number, license plate number, and vehicle registration.

(13) Each cannabis retailer, delivery service, or contract vendor of a cannabis retailer shall maintain current hired and non-owned automobile liability insurance sufficient to insure all vehicles used for delivery of cannabis in the amount of not less than \$1,000,000 per occurrence or accident.

(14) Each cannabis retailer and cannabis delivery service shall ensure that vehicles used to deliver cannabis items bear no markings that would either identify or indicate that the vehicle is used to deliver cannabis items.

(15) Each cannabis retailer and cannabis delivery service shall ensure that deliveries are completed in a timely and efficient manner.

(16) While making residential deliveries, a certified cannabis handler shall only travel from the cannabis retailer's licensed premises, or as part of a cannabis delivery service or contract vendor deliveries, between multiple cannabis retailers, then to a residence for delivery; from one residential delivery to another residence for residential delivery; or from a residential delivery back to the cannabis retailer's or cannabis delivery services' licensed premises. A cannabis handler shall not deviate from the delivery path described in this paragraph, except in the event of emergency or as necessary for rest, fuel, or vehicle repair stops, or because road conditions make continued use of the route or operation of the vehicle unsafe, impossible, or impracticable.

(17) The process of delivery begins when the certified cannabis handler leaves the cannabis retailer's licensed premises with the customer's purchase order of a cannabis item for delivery. The process of delivering ends when the cannabis handler returns to the cannabis retailer's licensed premises, or delivery service's or contract vendor's premises, after delivering the cannabis item to the consumer.

(18) Each cannabis retailer and cannabis delivery service shall maintain a record of each cannabis item delivery in a delivery log, which may be written or electronic. For each delivery, the log shall record:

- (a) The date and time that the delivery began and ended;
- (b) The name of the certified cannabis handler;
- (c) The cannabis item delivered;

- (d) The batch or lot number of the cannabis item; and
- (e) The signature of the consumer who accepted delivery.

(19) A cannabis retailer or cannabis delivery service shall report any vehicle accidents, diversions, losses, or other reportable events that occur during delivery to the appropriate State and local authorities, including the commission.

k. Any cannabis or cannabis item may be transported or delivered, consistent with the requirements set forth in this section and regulations promulgated by the commission, to any location in the State. As set forth in section 33 of P.L.2021, c.16 (C.24:6I-46), in no case may a municipality restrict the transportation or deliveries of cannabis items to consumers within that municipality by adoption of a municipal ordinance or any other measure, and any restriction to the contrary shall be deemed void and unenforceable.

l. The commission may authorize the use of an Internet-based web service developed and maintained by an independent third party entity that does not hold any license or certificate issued pursuant to P.L.2021, c.16 (C.24:6I-31 et al.), and is not a significantly involved person or other investor in any licensee, which may be used by cannabis retailers to receive, process, and fulfill orders by consumers, or used by consumers to request or schedule deliveries of cannabis items pursuant to subsection j. of this section.

28. Section 24 of P.L.2019, c.153 (C.24:6I-17) is amended to read as follows:

C.24:6I-17 Testing of cannabis.

24. a. (1) Each batch of medical cannabis cultivated by a medical cannabis cultivator or a clinical registrant and each batch of a medical cannabis product manufactured by a medical cannabis manufacturer or a clinical registrant shall be tested in accordance with the requirements of section 26 of P.L.2019, c.153 (C.24:6I-19) by a laboratory licensed pursuant to section 25 of P.L.2019, c.153 (C.24:6I-18) or cannabis testing facility licensed pursuant to section 18 of P.L.2021, c.16 (C.24:6I-35). The laboratory or facility performing the testing shall produce a written report detailing the results of the testing, a summary of which shall be included in any packaging materials for medical cannabis and medical cannabis products dispensed to qualifying patients and their designated and institutional caregivers. The laboratory or facility may charge a reasonable fee for any test performed pursuant to this section.

(2) Each sample of usable cannabis, cannabis products, cannabis extracts, or other cannabis resins from a cannabis cultivator or cannabis manufacturer may be tested in accordance with the provisions of section 18 of

P.L.2021, c.16 (C.24:6I-35) by a laboratory licensed pursuant to section 25 of P.L.2019, c.153 (C.24:6I-18).

b. The requirements of paragraph (1) of subsection a. of this section shall take effect at such time as the commission certifies that a sufficient number of laboratories have been licensed pursuant to section 25 of P.L.2019, c.153 (C.24:6I-18), or pursuant to section 18 of P.L.2021, c.16 (C.24:6I-35), to ensure that all medical cannabis and medical cannabis products can be promptly tested consistent with the requirements of this section without disrupting patient access to medical cannabis. Once the requirements of that paragraph have taken effect, a laboratory licensed pursuant to section 25 of P.L.2019, c.153 (C.24:6I-18) shall not make operational changes that reduce the prompt testing of medical cannabis and medical cannabis products, thereby disrupting patient access to medical cannabis, in order to test samples of usable cannabis, cannabis products, cannabis extracts, or any other cannabis resins in accordance with section 18 of P.L.2021, c.16 (C.24:6I-35).

29. Section 25 of P.L.2019, c.153 (C.24:6I-18) is amended to read as follows:

C.24:6I-18 Licensing of testing laboratories.

25. a. (1) A laboratory that performs testing services pursuant to section 24 of P.L.2019, c.153 (C.24:6I-17) shall be licensed by the commission and may be subject to inspection by the commission to determine the condition and calibration of any equipment used for testing purposes and to ensure that testing of medical cannabis and medical cannabis products is being performed in accordance with the requirements of section 26 of P.L.2019, c.153 (C.24:6I-19), and the testing of usable cannabis, cannabis products, cannabis extracts, or any other cannabis resins is being performed in accordance with the requirements of section 18 of P.L.2021, c.16 (C.24:6I-35). Each applicant for licensure pursuant to this section shall submit an attestation signed by a bona fide labor organization stating that the applicant has entered into a labor peace agreement with such bona fide labor organization. The maintenance of a labor peace agreement with a bona fide labor organization shall be an ongoing material condition of maintaining a license to test all forms of cannabis.

As used in this paragraph, “bona fide labor organization” means a labor organization of any kind or employee representation committee, group, or association, in which employees participate and which exists and is constituted for the purpose, in whole or in part, of collective bargaining or otherwise dealing with medical or personal use cannabis employers concerning grievances, labor disputes, terms or conditions of employment, including

wages and rates of pay, or other mutual aid or protection in connection with employment, and may be characterized by: it being a party to one or more executed collective bargaining agreements with medical or personal use cannabis employers, in this State or another state; it having a written constitution or bylaws in the three immediately preceding years; it filing the annual financial report required of labor organizations pursuant to subsection (b) of 29 U.S.C s.431, or it having at least one audited financial report in the three immediately preceding years; it being affiliated with any regional or national association of unions, including but not limited to state and federal labor councils; or it being a member of a national labor organization that has at least 500 general members in a majority of the 50 states of the United States.

(2) Any laboratory licensed pursuant to this section prior to the effective date of P.L.2021, c.16 (C.24:6I-31 et al.) to only test medical cannabis and medical cannabis products shall be authorized to test usable cannabis, cannabis products, cannabis extracts, or any other cannabis resins under an existing license in good standing, if the laboratory certifies to the commission that its facility, and the condition and calibration of any equipment used for testing meet the commission's accreditation requirements for licensure as a cannabis testing facility, its testing procedures will be performed in accordance with the requirements of section 18 of P.L.2021, c.16 (C.24:6I-35), and it will not make operational changes that reduce the prompt testing of medical cannabis and medical cannabis products as required by subsection b. of section 24 of P.L.2019, c.153 (C.24:6I-17). The commission shall acknowledge receipt of the laboratory's certification in writing to that laboratory, which shall serve as notice and recognition that the laboratory may test usable cannabis, cannabis product, cannabis extract, or any other cannabis resin under the existing license.

b. There shall be no upper limit on the number of laboratories that may be licensed to perform testing services.

c. A person who has been convicted of a crime involving any controlled dangerous substance or controlled substance analog as set forth in chapter 35 of Title 2C of the New Jersey Statutes except paragraph (4) of subsection a. of N.J.S.2C:35-10, or any similar law of the United States or any other state shall not be issued a license to operate as or be a director, officer, or employee of a medical cannabis testing laboratory, unless such conviction occurred after the effective date of P.L.2009, c.307 (C.24:6I-1 et al.) and was for a violation of federal law relating to possession or sale of cannabis for conduct that is authorized under P.L.2009, c.307 (C.24:6I-1 et al.) or P.L.2015, c.158 (C.18A:40-12.22 et al.).

d. (1) The commission shall require each applicant for licensure as a medical cannabis testing laboratory to undergo a criminal history record background check, except that no criminal history record background check shall be required for an applicant who completed a criminal history record background check as a condition of professional licensure or certification.

For purposes of this section, the term "applicant" shall include any owner, director, officer, or employee of a medical cannabis testing laboratory. The commission is authorized to exchange fingerprint data with and receive criminal history record background information from the Division of State Police and the Federal Bureau of Investigation consistent with the provisions of applicable federal and State laws, rules, and regulations. The Division of State Police shall forward criminal history record background information to the commission in a timely manner when requested pursuant to the provisions of this section.

An applicant who is required to undergo a criminal history record background check pursuant to this section shall submit to being fingerprinted in accordance with applicable State and federal laws, rules, and regulations. No check of criminal history record background information shall be performed pursuant to this section unless the applicant has furnished the applicant's written consent to that check. An applicant who is required to undergo a criminal history record background check pursuant to this section who refuses to consent to, or cooperate in, the securing of a check of criminal history record background information shall not be considered for a license to operate, or authorization to be employed at, a medical cannabis testing laboratory. An applicant shall bear the cost for the criminal history record background check, including all costs of administering and processing the check.

(2) The commission shall not approve an applicant for a license to operate, or authorization to be employed at, a medical cannabis testing laboratory if the criminal history record background information of the applicant reveals a disqualifying conviction as set forth in subsection c. of this section.

(3) Upon receipt of the criminal history record background information from the Division of State Police and the Federal Bureau of Investigation, the commission shall provide written notification to the applicant of the applicant's qualification or disqualification for a license to operate or be a director, officer, or employee of a medical cannabis testing laboratory.

If the applicant is disqualified because of a disqualifying conviction pursuant to the provisions of this section, the conviction that constitutes the basis for the disqualification shall be identified in the written notice.

(4) The Division of State Police shall promptly notify the commission in the event that an individual who was the subject of a criminal history record

background check conducted pursuant to this section is convicted of a crime or offense in this State after the date the background check was performed. Upon receipt of that notification, the commission shall make a determination regarding the continued eligibility to operate or be a director, officer, or employee of a medical cannabis testing laboratory.

(5) Notwithstanding the provisions of subsection c. of this section to the contrary, the commission may offer provisional authority for an applicant to be an owner, director, officer, or employee of a medical cannabis testing laboratory for a period not to exceed three months if the applicant submits to the commission a sworn statement attesting that the person has not been convicted of any disqualifying conviction pursuant to this section.

(6) Notwithstanding the provisions of subsection c. of this section to the contrary, no applicant to be an owner, director, officer, or employee of a medical cannabis testing laboratory shall be disqualified on the basis of any conviction disclosed by a criminal history record background check conducted pursuant to this section if the individual has affirmatively demonstrated to the commission clear and convincing evidence of rehabilitation. In determining whether clear and convincing evidence of rehabilitation has been demonstrated, the following factors shall be considered:

(a) the nature and responsibility of the position which the convicted individual would hold, has held, or currently holds;

(b) the nature and seriousness of the crime or offense;

(c) the circumstances under which the crime or offense occurred;

(d) the date of the crime or offense;

(e) the age of the individual when the crime or offense was committed;

(f) whether the crime or offense was an isolated or repeated incident;

(g) any social conditions which may have contributed to the commission of the crime or offense; and

(h) any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the individual under their supervision.

30. Section 15 of P.L.2009, c.307 (C.24:6I-13) is amended to read as follows:

C.24:6I-13 Exchange of data, information.

15. a. The Cannabis Regulatory Commission is authorized to exchange fingerprint data with, and receive information from, the Division of State

Police in the Department of Law and Public Safety and the Federal Bureau of Investigation for use in reviewing applications for individuals who are required to complete a criminal history record background check in connection with applications:

(1) to serve as designated caregivers or institutional caregivers pursuant to section 4 of P.L.2009, c.307 (C.24:6I-4), for licenses to operate as, or to be a director, officer, or employee of, medical cannabis testing laboratories pursuant to section 25 of P.L.2019, c.153 (C.24:6I-18), for permits to operate as, or to be a director, officer, or employee of, or a significantly involved person in, clinical registrants pursuant to section 13 of P.L.2019, c.153 (C.24:6I-7.3), and for permits to operate as, or to be a director, officer, or employee of, or a significantly involved person in, medical cannabis cultivators, medical cannabis manufacturers, and medical cannabis dispensaries pursuant to section 7 of P.L.2009, c.307 (C.24:6I-7); or

(2) for licenses to operate as, or to be owner, director, officer, or employee of, or a significantly involved person in, cannabis cultivators, cannabis manufacturers, cannabis wholesalers, cannabis distributors, cannabis retailers, cannabis delivery services, and personal use cannabis testing facilities pursuant to sections 18, 20, 22, 23, 24, 25, and 26 of P.L.2021, c.16 (C.24:6I-35, C.24:6I-37, C.24:6I-39, C.24:6I-40, C.24:6I-41, C.24:6I-42, and C.24:6I-43).

b. The Division of State Police shall promptly notify the Cannabis Regulatory Commission in the event an applicant, who was the subject of a criminal history record background check conducted pursuant to subsection a. of this section, is convicted of a crime involving possession or sale of a controlled dangerous substance.

C.24:6I-45 Municipal regulations or ordinances.

31. Municipal Regulations or Ordinances.

a. A municipality may enact ordinances or regulations, not in conflict with the provisions of P.L.2021, c.16 (C.24:6I-31 et al.):

(1) governing the number of cannabis establishments, distributors, or delivery services, as well as the location, manner, and times of operation of establishments and distributors, but the time of operation of delivery services shall be subject only to regulation by the commission; and

(2) establishing civil penalties for violation of an ordinance or regulation governing the number of cannabis establishments, distributors, or delivery services that may operate in such municipality, or their location, manner, or the times of operations.

b. A municipality may prohibit the operation of any one or more classes of cannabis establishment, or cannabis distributors or cannabis delivery services, but not the delivery of cannabis items and related supplies by a delivery service, within the jurisdiction of the municipality through the enactment of an ordinance, and this prohibiting ordinance shall apply throughout the municipality, even if that municipality or parts thereof fall within any district, area, or other geographical jurisdiction for which land use planning, site planning, zoning requirements or other development authority is exercised by an independent State authority, commission, instrumentality, or agency pursuant to the enabling legislation that governs its duties, functions, and powers, even if this development authority is expressly stated or interpreted to be exclusive thereunder; the local prohibiting ordinance applies, notwithstanding the provisions of any independent State authority law to the contrary. Only an ordinance to prohibit one or more classes of cannabis establishment, or cannabis distributors or cannabis delivery services enacted pursuant to the specific authority to do so by this section shall be valid and enforceable; any ordinance enacted by a municipality prior to the effective date of this section addressing the issue of prohibiting one or more types of cannabis-related activities within the jurisdiction of the municipality is null and void, and that entity may only prohibit the operation of one or more classes of cannabis establishment, or cannabis distributors or cannabis delivery services by enactment of a new ordinance based upon the specific authority to do so by this section. The failure of a municipality to enact an ordinance prohibiting the operation of one or more classes of cannabis establishment, or cannabis distributors or cannabis delivery services within 180 days after the effective date of P.L.2021, c.16 (C.24:6I-31 et al.), shall result in any class of cannabis establishment, or a cannabis distributor or cannabis delivery service that is not prohibited from operating within the municipality as being permitted to operate therein as follows: the growing, cultivating, manufacturing, and selling and reselling of cannabis and cannabis items, and operations to transport in bulk cannabis items by a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, or as a cannabis distributor or cannabis delivery service shall be permitted uses in all industrial zones of the municipality; and the selling of cannabis items to consumers from a retail store by a cannabis retailer shall be a conditional use in all commercial zones or retail zones, subject to meeting the conditions set forth in any applicable zoning ordinance or receiving a variance from one or more of those conditions in accordance with the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.). At the end of a five-year period following the initial failure of a municipality to enact an ordinance prohibiting the operation of one or more classes of cannabis establishment, or cannabis distributors or cannabis

delivery services, and every five-year period thereafter following a failure to enact a prohibiting ordinance, the municipality shall again be permitted to prohibit the future operation of any one or more classes of cannabis establishment, or cannabis distributors or cannabis delivery services through the enactment of an ordinance during a new 180-day period, but this ordinance shall be prospective only and not apply to any cannabis establishment, distributor or delivery service operating in the municipality prior to the enactment of the ordinance.

c. (1) When the commission receives an application for initial licensing or renewal of an existing license for any cannabis establishment, distributor, or delivery service pursuant to section 19 of P.L.2021, c.16 (C.24:6I-36), or endorsement for a cannabis consumption area pursuant to section 28 of P.L.2019, c.153 (C.24:6I-21), the commission shall provide, within 14 days, a copy of the application to the municipality in which the establishment, distributor, delivery service, or consumption area is to be located, unless the municipality has prohibited the operation of the particular class of business for which licensure is sought pursuant to subsection b. of this section, or in the case of an application seeking a consumption area endorsement, prohibited the operation of cannabis retailers. The municipality shall determine whether the application complies with its local restrictions on the number of cannabis establishments, distributors, or delivery services, or their location, manner, or times of operation, and the municipality shall inform the commission whether the application complies with its local restrictions.

(2) A municipality may impose a separate local licensing or endorsement requirement as a part of its restrictions on the number of cannabis establishments, distributors, or delivery services, or their location, manner, or times of operation. A municipality may decline to impose any local licensing or endorsement requirements, but a local jurisdiction shall notify the commission that it either approves or denies each application forwarded to it.

32. Section 28 of P.L.2019, c.153 (C.24:6I-21) is amended to read as follows:

C.24:6I-21 Municipalities may authorize consumption areas.

28. a. A municipality may authorize, through the enactment of an ordinance, the operation of locally endorsed cannabis consumption areas:

(1) operated by medical cannabis dispensaries, including any alternative treatment centers deemed to hold a medical cannabis dispensary permit pursuant to section 7 of P.L.2009, c.307 (C.24:6I-7), and clinical registrants within its jurisdiction, at which areas the on-premises consumption of medical cannabis may occur;

(2) operated by cannabis retailers within its jurisdiction, at which areas the on-premises consumption of personal use cannabis may occur; and

(3) operated by medical cannabis dispensaries, including any alternative treatment centers deemed to hold a medical cannabis dispensary permit pursuant to section 7 of P.L.2009, c.307 (C.24:6I-7), within its jurisdiction that are also deemed to have, pursuant to that section, one or more Class 5 Cannabis Retailer licenses and for which the commission has correspondingly issued one or more licenses following receipt of the municipality's and commission's approval to operate as a cannabis retailer pursuant to subparagraph (a) of paragraph (3) of subsection a. of section 33 of P.L.2021, c.16 (C.24:6I-46), or medical cannabis dispensaries and alternative treatment centers otherwise issued a license by the commission pursuant to P.L.2021, c.16 (C.24:6I-31 et al.), to simultaneously operate as a cannabis retailer, at which areas the on-premises consumption of both medical cannabis and personal use cannabis items may occur.

b. Applications for an endorsement pursuant to this section shall be made to the commission in a form and manner as shall be prescribed by the commission and shall set forth such information as the commission may require. Each application shall be verified by the oath or affirmation of such persons as the commission may prescribe. The endorsement shall be conditioned upon approval by a municipality. An applicant is prohibited from operating a cannabis consumption area without State and local approval. If the applicant does not receive approval from the municipality within one year after the date of State approval, the State endorsement shall expire and may not be renewed. If an application is denied by the municipality or the approval of the municipality is revoked, the commission shall revoke the State endorsement. Any person aggrieved by the local denial of an endorsement application may request a hearing in the Superior Court of the county in which the application was filed. The request for a hearing shall be filed within 30 days after the date the application was denied. The person shall serve a copy of the person's request for a hearing upon the appropriate officer for the municipality that denied the application. The hearing shall be held and a record made thereof within 30 days after the receipt of the application for a hearing. No formal pleading and no filing fee shall be required for the hearing.

c. (1) The commission shall deny a State endorsement if the premises on which the applicant proposes to conduct its business does not meet the requirements of P.L.2009, c.307 (C.24:6I-1 et al.) or P.L.2021, c.16 (C.24:6I-31 et al.), as applicable, or for reasons set forth in this section. The commission may revoke or deny an initial endorsement, an endorsement renewal, or reinstatement, for good cause.

(2) For purposes of this subsection "good cause" means:

(a) the endorsed permit holder, license holder, or applicant has violated, does not meet, or has failed to comply with, any of the terms, conditions, or provisions of this section, any rules or regulations promulgated pursuant to this section, or any supplemental local laws, rules, or regulations;

(b) the endorsed permit holder, license holder, or applicant has failed to comply with any special terms or conditions that were placed on its endorsement by the commission or municipality; or

(c) the premises have been operated in a manner that adversely affects the public health or the safety of the immediate neighborhood in which the consumption area is located.

(3) Any commission decision made pursuant to this subsection shall be considered a final agency decision for the purposes of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) and may be subject to judicial review as provided in the Rules of Court.

d. A cannabis consumption area endorsement shall be valid for one year and may be renewed annually, subject to the approval of the commission and the municipality as set forth in this section. The commission shall establish by regulation the amount of the application fee and renewal fee for the endorsement, which shall not exceed the administrative cost for processing and reviewing the application.

e. The commission shall maintain a list of all cannabis consumption areas in the State and shall make the list available on its Internet website.

f. A cannabis consumption area shall be located on the premises of a medical cannabis dispensary, clinical registrant, or cannabis retailer, may be indoors or outdoors, and shall be designated by conspicuous signage. The signage shall also indicate whether the cannabis consumption area may be used for the on-premises consumption of medical cannabis, personal use cannabis items, or both.

(1) (a) An indoor cannabis consumption area in which medical cannabis may be consumed, or both medical cannabis and personal use cannabis may be consumed, shall be a structurally enclosed area within a medical cannabis dispensary or clinical registrant facility that is separated by solid walls or windows from the area in which medical cannabis is dispensed, or in which retail sales of cannabis items occur if the dispensary or facility is also licensed as a cannabis retailer, shall only be accessible through an interior door after first entering the dispensary or facility, and for a dispensary or facility that is also licensed as a cannabis retailer, with respect to any smoking, vaping, or aerosolizing of personal use cannabis items, the consumption area shall comply with all ventilation requirements applicable to cigar lounges, as

that term is defined in section 3 of P.L.2005, c.383 (C.26:3D-57), in order to permit indoor smoking, vaping, or aerosolizing that is the equivalent of smoking tobacco not in violation of the "New Jersey Smoke-Free Air Act," P.L.2005, c.383 (C.26:3D-55 et seq.). Nothing in this subparagraph shall be construed to authorize the consumption of medical cannabis by smoking, vaping, or aerosolizing in this or any other indoor public place or workplace, as those terms are defined in section 3 of P.L.2005, c.383 (C.26:3D-57).

(b) An indoor cannabis consumption area in which only personal use cannabis items may be consumed shall be a structurally enclosed area within a cannabis retailer that is separated by solid walls or windows from the area in which retail sales of cannabis items occur, shall only be accessible through an interior door after first entering the retailer, and shall comply with all ventilation requirements applicable to cigar lounges, as that term is defined in section 3 of P.L.2005, c.383 (C.26:3D-57), in order to permit indoor smoking, vaping, or aerosolizing that is the equivalent of smoking tobacco not in violation of the "New Jersey Smoke-Free Air Act," P.L.2005, c.383 (C.26:3D-55 et seq.).

(2) An outdoor cannabis consumption area shall be an exterior structure on the same premises as the medical cannabis dispensary, clinical registrant facility, or cannabis retailer, that is either separate from or connected to the dispensary, facility, or retailer, and that is not required to be completely enclosed, but shall have sufficient walls, fences, or other barriers to prevent any view of patients consuming medical cannabis or persons consuming personal use cannabis items within the consumption area from any sidewalk or other pedestrian or non-motorist right-of-way, as the case may be.

A medical cannabis dispensary, clinical registrant, or cannabis retailer operating a consumption area shall ensure that any smoking, vaping, or aerosolizing of medical cannabis or personal use cannabis items that occurs in an outdoor cannabis consumption area does not result in migration, seepage, or recirculation of smoke or other exhaled material to any indoor public place or workplace as those terms are defined in section 3 of P.L.2005, c.383 (C.26:3D-57). The commission may require an outdoor consumption area to include any ventilation features as the commission deems necessary and appropriate.

g. (1) A medical cannabis dispensary, clinical registrant, or cannabis retailer holding a cannabis consumption area endorsement, and the employees thereof, subject to any regulations for cannabis consumption areas promulgated by the commission, may permit a person to bring medical cannabis or personal use cannabis items into a cannabis consumption area, so long as the on-premises consumption of that cannabis is authorized by the endorsement.

(2) A medical cannabis dispensary, clinical registrant, or cannabis retailer holding a cannabis consumption area endorsement shall not sell alcohol, including fermented malt beverages or malt, vinous, or spirituous liquor, sell tobacco or nicotine products, or allow the consumption of alcohol, tobacco, or nicotine products on the premises, or operate as a retail food establishment.

(3) A medical cannabis dispensary, clinical registrant, or cannabis retailer holding a cannabis consumption area endorsement shall not allow on-duty employees of the establishment to consume any medical cannabis or personal use cannabis items in the consumption area, other than an on-duty employee who is a registered qualifying patient with a valid authorization for the use of medical cannabis, if the medical cannabis dispensary, clinical registrant, or cannabis retailer does not otherwise provide a private area, that is separate from the area in which medical cannabis is dispensed or in which retail sales of cannabis items occur, for that employee to use medical cannabis.

(4) (a) A cannabis retailer, or medical cannabis dispensary or clinical registrant that is also licensed to simultaneously operate as a cannabis retailer, shall limit the amount of personal use cannabis items sold to a person to be consumed in its consumption area, or brought into its consumption area if permitted pursuant to paragraph (1) of this subsection, to no more than the sales limit set by the commission. The cannabis retailer, medical cannabis dispensary, or clinical registrant shall not engage in multiple sales transactions of personal use cannabis items to the same person during the same business day when a retailer's, dispensary's, or registrant's employee knows or reasonably should have known that the sales transaction would result in the person possessing more than the sales limit established by the commission. The cannabis retailer, medical cannabis dispensary, or clinical registrant shall provide, if required by the commission, information regarding the safe consumption of personal use cannabis items at the point of sale to all persons who make a purchase.

(b) All employees of a cannabis retailer, or medical cannabis dispensary or clinical registrant that is also licensed to simultaneously operate as a cannabis retailer, shall complete any responsible vendor training program established in regulation by the commission concerning consumption areas in which personal use cannabis items may be consumed.

h. (1) Access to a cannabis consumption area in which medical cannabis may be consumed shall be restricted to employees of the medical cannabis dispensary or clinical registrant and to registered qualifying patients and their designated caregivers.

(2) Access to a cannabis consumption area in which personal use cannabis items may be consumed, or both medical cannabis and personal use cannabis items may be consumed, shall be restricted to employees of the cannabis retailer, or medical cannabis dispensary or clinical registrant that is also licensed to simultaneously operate as a cannabis retailer, and to registered qualifying patients, their designated caregivers, and other persons who are at least 21 years of age. Each person shall be required to produce a form of government-issued identification that may be accepted, pursuant to subparagraph (a) of paragraph (6) of subsection a. of section 18 of P.L.2021, c.16 (C.24:6I-35), in order to enter the consumption area for purposes of consuming any medical cannabis or personal use cannabis items.

i. When a patient or other person leaves a cannabis consumption area, the medical cannabis dispensary, clinical registrant, or cannabis retailer shall ensure any remaining unconsumed medical cannabis or personal use cannabis item that is not taken by the patient, the patient's designated caregiver, or other person is destroyed.

j. A medical cannabis dispensary, clinical registrant, or cannabis retailer operating a cannabis consumption area and its employees:

(1) shall operate the dispensary, registrant, or retailer in a decent, orderly, and respectable manner;

(2) may remove an individual from its premises for any reason;

(3) shall not knowingly permit any activity or acts of disorderly conduct; and

(4) shall not permit rowdiness, undue noise, or other disturbances or activity offensive to the average citizen or to the residents of the neighborhood in which the consumption area is located.

k. If an emergency requires law enforcement, firefighters, emergency medical services providers, or other public safety personnel to enter a cannabis consumption area, employees of the medical cannabis dispensary, clinical registrant, or cannabis retailer shall prohibit on-site consumption of medical cannabis, personal use cannabis items, or both, as the case may be, until such personnel have completed their investigation or services and have left the premises.

C.24:6I-46 Marketplace regulation.

33. Marketplace Regulation.

a. (1) (a) For a period of 24 months after the effective date of P.L.2021, c.16 (C.24:6I-31 et al.), it shall be unlawful for any owner, part owner, stockholder, officer, or director of any corporation, or any other person interested in any cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis delivery service, or cannabis testing facility to engage in

the retailing of any cannabis items in this State, or to own, either in whole or in part, or be directly or indirectly interested in a cannabis retailer, and such interest shall include any payments or delivery of money or property by way of loan or otherwise accompanied by an agreement to sell the product of said cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, or cannabis testing facility, but does not include any arrangement between a cannabis delivery service and a cannabis retailer for making deliveries of cannabis items to consumers. During this 24-month period, the holder of a Class 1 Cannabis Cultivator license to operate as a cannabis cultivator or a Class 2 Cannabis Manufacturer license to operate as a cannabis manufacturer may hold one other license to operate another cannabis establishment, other than a Class 3 Cannabis Wholesaler license to operate as a cannabis wholesaler or a Class 5 Cannabis Retailer license to operate as a cannabis retailer; and the holder of a Class 3 Cannabis Wholesaler license to operate as a cannabis wholesaler may hold one other Class 4 Cannabis Distributor license to operate as a cannabis distributor.

(b) Throughout the 24-month period set forth in subparagraph (a) of this paragraph, the commission, except as authorized by paragraph (2) of subsection b. of this section, shall not allow, providing there exist qualified applicants, more than 37 cannabis cultivators to be simultaneously licensed and engaging in cannabis production, which number shall include any alternative treatment centers deemed to be licensed as cannabis cultivators who are issued licenses by the commission pursuant to paragraph (3) of this subsection; provided that cannabis cultivator licenses issued to microbusinesses pursuant to subsection f. of section 19 of P.L.2021, c.16 (C.24:6I-36) shall not count towards this limit.

(2) For a period of 24 months after the effective date of P.L.2021, c.16 (C.24:6I-31 et al.), it shall be unlawful for any owner, part owner, stockholder, officer, or director of any corporation, or any other person engaged in any retailing of any cannabis items to engage in the growing of, testing of, manufacturing of, wholesaling of, or transporting in bulk any cannabis items, or to own either whole or in part, or to be a shareholder, officer or director of a corporation or association, directly or indirectly, interested in any cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis delivery service, or cannabis testing facility.

(3) (a) (i) Except with respect to the cap on the number of cannabis cultivator licenses set forth in subparagraph (b) of paragraph (1) of this subsection, the provisions of paragraphs (1) and (2) of this subsection shall not apply to any alternative treatment center that was issued a permit prior to the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.), or to any alternative

treatment center that was issued a permit subsequent to that effective date pursuant to an application submitted prior to that effective date,

to the one alternative treatment center, out of four, issued a permit pursuant to an application submitted after the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.) pursuant to a request for applications published in the New Jersey Register prior to that effective date, that is expressly exempt, pursuant to subsection a. of section 11 of P.L.2019, c.153 (C.24:6I-7.1), from the provisions of subsubparagraph (i) of subparagraph (a) of paragraph (2) of subsection a. of section 7 of P.L.2009, c.307 (C.24:6I-7), which exemption permits the alternative treatment center to concurrently hold more than one medical cannabis permit, and that one alternative treatment center is deemed pursuant to that section 7 (C.24:6I-7) to concurrently hold more than one permit, and

to the one alternative treatment center, out of three, issued a permit pursuant to an application submitted on or after the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.), that is expressly exempt, pursuant to subsection a. of section 11 of P.L.2019, c.153 (C.24:6I-7.1), from the provisions of subsubparagraph (i) of subparagraph (a) of paragraph (2) of subsection a. of section 7 of P.L.2009, c.307 (C.24:6I-7), which exemption permits the alternative treatment center to concurrently hold more than one medical cannabis permit, and that one alternative treatment center is deemed pursuant to that section 7 (C.24:6I-7) to concurrently hold more than one permit,

and which alternative treatment center is also deemed, pursuant to subsubparagraph (ii) of subparagraph (c) of paragraph (2) of section 7 of P.L.2009, c.307 (C.24:6I-7), to either concurrently hold a Class 1 Cannabis Cultivator license, a Class 2 Cannabis Manufacturer license, a Class 5 Cannabis Retailer license, plus an additional Class 5 Cannabis Retailer license for each satellite dispensary authorized and established by an alternative treatment center pursuant to subparagraph (d) of paragraph (2) of subsection a. of section 7 of P.L.2009, c.307 (C.24:6I-7), and a Class 6 Cannabis Delivery license, or alternatively to hold a Class 3 Cannabis Wholesaler license, and may also be deemed to hold a Class 4 Cannabis Distributor license.

(ii) For each alternative treatment center deemed to have licenses pursuant to subsubparagraph (i) of this subparagraph, the commission shall not require the submission of an application for licensure, as the application requirement is deemed satisfied by the alternative treatment center's previously approved permit application that was submitted to the Department of Health or to the commission pursuant to section 7 of P.L.2009, c.307 (C.24:6I-7), but the alternative treatment center shall not begin to operate as any class of cannabis establishment distributor, or delivery service until the alternative treatment center has submitted a written approval for a proposed

cannabis establishment distributor, or delivery service from the municipality in which the proposed establishment distributor, or delivery service is to be located, which approval is based on a determination that the proposed establishment distributor, or delivery service complies with the municipality's restrictions on the number of establishments distributor, or delivery services, as well as the location, manner, and times of operation of establishments or distributors enacted pursuant to section 31 of P.L.2021, c.16 (C.24:6I-45). The commission shall thereafter only issue the initial license to the alternative treatment center for a cannabis establishment of the appropriate class, or for a cannabis distributor or delivery service, once the commission certifies that it has sufficient quantities of medical cannabis and medical cannabis products available to meet the reasonably anticipated needs of registered qualifying patients in accordance with subsubparagraph (iii) of this subparagraph. The commission shall begin accepting municipal approvals from alternative treatment centers beginning on the date of adoption of the commission's initial rules and regulations pursuant to subparagraph (a) of paragraph (1) of subsection d. of section 6 of P.L.2021, c.16 (C.24:6I-34).

(iii) An alternative treatment center with approval from a municipality pursuant to subsubparagraph (ii) of this subparagraph shall not engage in activities related to the growing, manufacturing, wholesaling, transporting or delivering of cannabis or cannabis items until it has certified to the commission that that it has sufficient quantities of medical cannabis and medical cannabis products available to meet the reasonably anticipated needs of registered qualifying patients, and the commission has accepted the alternative treatment center's certification, which acceptance is conditioned on the commission's review of the alternative treatment center as set forth in subsubparagraph (iv) of this subparagraph. Upon acceptance of the certification, the commission shall issue the initial license to the alternative treatment center for a cannabis establishment of the appropriate class or for a cannabis distributor or delivery service.

Notwithstanding the date determined by the commission pursuant to paragraph (2) of subsection d. of section 6 of P.L.2021, c.16 (C.24:6I-34) to be the first date on which cannabis retailers issued licenses and conditional licenses begin retail sales of personal use cannabis items, an alternate treatment center, if approved by the commission to operate as a cannabis retailer, may begin to engage in the retail sale of cannabis items on any date after the date that the commission adopts its initial rules and regulations pursuant to subparagraph (a) of paragraph (1) of subsection d. of section 6 of that act P.L.2021, c.16 (C.24:6I-34), so long as it has certified to the commission that it has sufficient quantities of medical cannabis and, if applicable, medical

cannabis products available to meet the reasonably anticipated needs of registered qualifying patients, and the commission has accepted the alternative treatment center's certification, which acceptance is conditioned on the commission's review of the alternative treatment center as set forth in subsubparagraph (iv) of this subparagraph. Upon acceptance of the certification, the commission shall issue the initial cannabis retailer license to the alternative treatment center for engaging in the retail sale of cannabis items.

(iv) An alternative treatment center issued a license for a cannabis establishment or delivery service shall be authorized to use the same premises for all activities authorized under P.L.2021, c.16 (C.24:6I-31 et al.) and the "Jake Honig Compassionate Use Medical Cannabis Act," P.L.2009, c.307 (C.24:6I-1 et al.), without being required to establish or maintain any physical barriers or separations between operations related to the medical use of cannabis and operations related to personal use of cannabis items, provided that the alternative treatment center shall be required to certify that it has sufficient quantities of medical cannabis and, if applicable, medical cannabis products available to meet the reasonably anticipated needs of registered qualifying patients, as set forth in subsubparagraph (ii) or (iii) of this subparagraph, and only if accepted by the commission, which is a condition for licensure as a cannabis establishment of the appropriate class or as a cannabis delivery service.

In determining whether to accept, pursuant to this subparagraph, an alternative treatment center's certification that it has sufficient quantities of medical cannabis or medical cannabis products available to meet the reasonably anticipated needs of registered qualifying patients, the commission shall assess patient enrollment, inventory, sales of medical cannabis and medical cannabis products, and any other factors determined by the commission through regulation.

As a condition of licensure following acceptance of a certification, an alternative treatment center shall meet the anticipated treatment needs of registered qualifying patients before meeting the retail requests of cannabis consumers, and the alternative treatment center shall not make operational changes that reduce access to medical cannabis for registered qualifying patients in order to operate a cannabis establishment or delivery service. If an alternative treatment center is found by the commission to not have sufficient quantities of medical cannabis or medical cannabis products available to meet the reasonably anticipated needs of qualified patients, the commission may issue fines, limit retail or other sales, temporarily suspend the alternative treatment center's cannabis establishment, distributor, or delivery service license, or issue any other penalties determined by the commission through regulation.

(b) Beginning on a date determined by the commission, to be not later than one year from the date determined by the commission pursuant to paragraph

(2) of subsection d. of section 6 of P.L.2021, c.16 (C.24:6I-34) to be the first date on which cannabis retailers issued licenses and conditional licenses begin retail sales of personal use cannabis items, an alternative treatment center deemed to have licenses and issued initial licenses pursuant to subparagraph (a) of this paragraph shall certify to the commission, within a period of time, as determined by the commission, prior to the date on which a license issued to the alternative treatment center is set to expire, the continued material accuracy of the alternative treatment center's previously approved permit application to the Department of Health or to the commission pursuant to section 7 of P.L.2009, c.307 (C.24:6I-7), and its compliance with the provisions of P.L.2021, c.16 (C.24:6I-31 et al.) as required by the commission for its operations concerning cannabis or cannabis items, and this certification shall be supplemented with a new written approval from the municipality in which the alternative treatment center is operating as a cannabis establishment or delivery service for which the initial license was issued, approving the continued operations as a cannabis establishment distributor, or delivery service. The commission shall renew the license of the alternative treatment center based upon a review of the certification and supporting municipality's continued approval. This license renewal process shall thereafter be followed for each expiring license issued to the alternative treatment center.

b. Following the 24-month period set forth in subparagraph (a) of paragraph (1) of subsection a. of this section, a cannabis license holder shall be authorized to hold:

(1) (a) a Class 1 Cannabis Cultivator license, a Class 2 Cannabis Manufacturer license, a Class 5 Cannabis Retailer license, and a Class 6 Cannabis Delivery license concurrently, provided that no license holder shall be authorized to concurrently hold more than one license of each class, except for an alternative treatment center that was deemed, during the 24-month period, to have an additional Class 5 Cannabis Retailer license for each satellite dispensary that was authorized and established by the alternative treatment center pursuant to subparagraph (d) of paragraph (2) of subsection a. of section 7 of P.L.2009, c.307 (C.24:6I-7). These additional retailer licenses only permit the retail operation of each satellite dispensary, and shall not be replaced by any other class of cannabis establishment distributor, or delivery service license; or

(b) a Class 3 Cannabis Wholesaler license and a Class 4 Cannabis Distributor license. In no case may a holder of a Class 3 Cannabis Wholesaler license concurrently hold a license of any other class of cannabis establishment, or concurrently hold a license as a cannabis delivery service.

(2) The commission, pursuant to its authority under paragraph (1) of subsection a. of section 18 of P.L.2021, c.16 (C.24:6I-35) for making periodic

evaluations of whether the number of each class of cannabis establishment, or number of cannabis distributors or delivery services, is sufficient to meet the market demands of the State, shall review the limit on the number of cannabis cultivator licenses set forth in subparagraph (b) of paragraph (1) of subsection a. of this section, and providing there exist qualified applicants, accept new applications for additional licenses as it deems necessary.

(3) A license holder may submit an application for a license of any type that the license holder does not currently hold prior to the expiration of the 24-month period set forth in subparagraph (a) of paragraph (1) of subsection a. of this section, or thereafter, does not currently hold pursuant to paragraph (1) of this subsection, provided that no license shall be awarded to the license holder during the 24-month period, or thereafter, if issuance of the license would violate the restrictions set forth in subsection a. of this section concerning the classes of licenses that may be concurrently held during that 24-month period, or the restrictions set forth in paragraph (1) of this subsection.

34. Section 7 of P.L.2009, c.307 (C.24:6I-7) is amended to read as follows:

C.24:6I-7 Applications for permits.

7. a. (1) The commission shall accept applications from entities for permits to operate as medical cannabis cultivators, medical cannabis manufacturers, and medical cannabis dispensaries. For the purposes of this section, the term “permit” shall be deemed to include a conditional permit issued pursuant to subsection d. of section 11 of P.L.2019, c.153 (C.24:6I-7.1) and any permit issued to a microbusiness pursuant to subsection e. of section 11 of P.L.2019, c.153 (C.24:6I-7.1).

(2) (a) For a period of 18 months after the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.):

(i) no applicant may concurrently hold more than one permit issued by the commission pursuant to this section, regardless of type; and

(ii) there shall be no more than 28 active medical cannabis cultivator permits, including medical cannabis cultivator permits deemed to be held by alternative treatment centers issued a permit prior to the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.) and medical cannabis cultivator permits deemed to be held by alternative treatment centers issued a permit subsequent to the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.) pursuant to an application submitted prior to the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.); provided that medical cannabis cultivator permits issued to microbusinesses pursuant to subsection e. of section 11 of P.L.2019, c.153 (C.24:6I-7.1) shall not count toward this limit.

(b) Commencing 18 months after the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.), a permit holder shall be authorized to concurrently hold a medical cannabis cultivator permit, a medical cannabis manufacturer permit, and a medical cannabis dispensary permit, provided that no permit holder shall be authorized to concurrently hold more than one permit of each type. The permit holder may submit an application for a permit of any type that the permit holder does not currently hold prior to the expiration of the 18-month period described in subparagraph (a) of this paragraph, provided that no additional permit shall be awarded to the permit holder during the 18-month period.

(c) (i) The provisions of subparagraph (a) of this paragraph shall not apply to any alternative treatment center that was issued a permit prior to the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.), to any alternative treatment center that was issued a permit after the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.) pursuant to an application submitted prior to the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.), to one of the four alternative treatment centers issued a permit pursuant to an application submitted after the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.) pursuant to a request for applications published in the New Jersey Register prior to the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.) that are expressly exempt from the provisions of subsubparagraph (i) of subparagraph (a) of this paragraph, or to one of the three alternative treatment centers issued a permit pursuant to section 11 of P.L.2019, c.153 (C.24:6I-7.1) that are expressly exempt from the provisions of subsubparagraph (i) of subparagraph (a) of this paragraph, which alternative treatment centers shall be deemed to concurrently hold a medical cannabis cultivator permit, a medical cannabis manufacturer permit, and a medical cannabis dispensary permit, and shall be authorized to engage in any conduct authorized pursuant to those permits in relation to the cultivation, manufacturing, and dispensing of medical cannabis.

(ii) In addition, each of the alternative treatment centers described in subsubparagraph (i) of this subparagraph, to which the provisions of subparagraph (a) of this paragraph shall not apply, shall, upon the adoption of the initial rules and regulations by the commission pursuant to subparagraph (a) of paragraph (1) of subsection d. of section 6 of P.L.2021, c.16 (C.24:6I-34), be deemed to either concurrently hold a Class 1 Cannabis Cultivator license, a Class 2 Cannabis Manufacturer License, a Class 5 Cannabis Retailer license, plus an additional Class 5 Cannabis Retailer license for each satellite dispensary authorized and established by the alternative treatment center pursuant to subparagraph (d) of this paragraph, and a Class 6 Cannabis Delivery license, or hold a Class 3 Cannabis Wholesaler license, and may also be

deemed to hold a Class 4 Cannabis Distributor license. Any alternative treatment center deemed to hold one or more licenses as described in this subparagraph may begin to operate as any authorized class of cannabis establishment, or establishment and delivery service, or as a cannabis wholesaler and distributor, upon receipt of written approval from the municipality in which the proposed establishment or delivery service, or distributor is to be located and obtaining an initial license or licenses, as applicable, issued by the commission pursuant to paragraph (3) of subsection a. of section 33 of P.L.2021, c.16 (C.24:6I-46).

(d) No entity may be issued or concurrently hold more than one medical cannabis cultivator permit, one medical cannabis manufacturer permit, or one medical cannabis dispensary permit at one time, and no medical cannabis dispensary shall be authorized to establish a satellite location on or after the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.), except that an alternative treatment center that was issued a permit prior to the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.) or that was issued a permit after the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.) pursuant to an application submitted prior to the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.) shall be authorized to maintain up to two satellite dispensaries, including any satellite dispensary that was approved pursuant to an application submitted prior to or within 18 months after the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.). The three alternative treatment centers issued permits pursuant to section 11 of P.L.2019, c.153 (C.24:6I-7.1) that are expressly exempt from the provisions of subparagraph (i) of subparagraph (a) of this paragraph shall be authorized to establish and maintain up to one satellite dispensary location, provided that the satellite dispensary was approved pursuant to an application submitted within 18 months after the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.).

(e) No entity issued a medical cannabis cultivator, medical cannabis manufacturer, or medical cannabis dispensary permit may concurrently hold a clinical registrant permit issued pursuant to section 13 of P.L.2019, c.153 (C.24:6I-7.3), and no entity issued a clinical registrant permit pursuant to section 13 of P.L.2019, c.153 (C.24:6I-7.3) may concurrently hold a medical cannabis cultivator permit, a medical cannabis manufacturer permit, or a medical cannabis dispensary permit.

(f) Any medical cannabis dispensary permit holder may be approved by the commission to operate a cannabis consumption area, provided that the permit holder otherwise meets the requirements of section 28 of P.L.2019, c.153 (C.24:6I-21).

(g) An alternative treatment center that was issued a permit prior to the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.), that was issued a permit after the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.) pursuant to an application submitted pursuant to a request for applications published in the New Jersey Register prior to the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.), or that was issued a permit after the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.) pursuant to an application submitted prior to the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.), shall be required to submit an attestation signed by a bona fide labor organization stating that the alternative treatment center has entered into a labor peace agreement with such bona fide labor organization no later than 100 days after the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.) or no later than 100 days after the date the alternative treatment center first opens, whichever date is later. The maintenance of a labor peace agreement with a bona fide labor organization shall be an ongoing material condition of maintaining the alternative treatment center's permit. The failure to submit an attestation as required pursuant to this subparagraph within 100 days after the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.) or within 100 days after the alternative treatment center first opens, as applicable, shall result in the suspension or revocation of the alternative treatment center's permit, provided that the commission may grant an extension to this deadline to the alternative treatment center based upon extenuating circumstances or for good cause shown.

As used in this subparagraph, "bona fide labor organization" means a labor organization of any kind or employee representation committee, group, or association, in which employees participate and which exists and is constituted for the purpose, in whole or in part, of collective bargaining or otherwise dealing with medical or personal use cannabis employers concerning grievances, labor disputes, terms or conditions of employment, including wages and rates of pay, or other mutual aid or protection in connection with employment, and may be characterized by: it being a party to one or more executed collective bargaining agreements with medical or personal use cannabis employers, in this State or another state; it having a written constitution or bylaws in the three immediately preceding years; it filing the annual financial report required of labor organizations pursuant to subsection (b) of 29 U.S.C. s.431, or it having at least one audited financial report in the three immediately preceding years; it being affiliated with any regional or national association of unions, including but not limited to state and federal labor councils; or it being a member of a national labor organization that has at least 500 general members in a majority of the 50 states of the United States.

(h) An alternative treatment center that was issued a permit prior to the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.), that was issued a permit after the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.) pursuant to an application submitted pursuant to a request for applications published in the New Jersey Register prior to the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.), or that was issued a permit after the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.) pursuant to an application submitted prior to the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.), shall be permitted to cultivate from up to two physical locations, provided that the alternative treatment center's combined mature cannabis plant grow canopy between both locations shall not exceed 150,000 square feet of bloom space or the square footage of canopy permitted under the largest tier in the tiered system adopted by the commission pursuant to paragraph (2) of subsection b. of section 21 of P.L.2021, c.16 (C.24:6I-38).

(3) The commission shall seek to ensure the availability of a sufficient number of medical cannabis cultivators, medical cannabis manufacturers, and medical cannabis dispensaries throughout the State, pursuant to need, including at least two each in the northern, central, and southern regions of the State. Medical cannabis cultivators, medical cannabis manufacturers, and medical cannabis dispensaries issued permits pursuant to this section may be nonprofit or for-profit entities.

(4) The commission shall periodically evaluate whether the number of medical cannabis cultivator, medical cannabis manufacturer, and medical cannabis dispensary permits issued are sufficient to meet the needs of qualifying patients in the State, and shall accept new applications and issue such additional permits as shall be necessary to meet those needs. The types of permits requested and issued, and the locations of any additional permits that are authorized, shall be in the discretion of the commission based on the needs of qualifying patients in the State.

(5) (a) A medical cannabis cultivator shall be authorized to: acquire a reasonable initial and ongoing inventory, as determined by the commission, of cannabis seeds or seedlings and paraphernalia; possess, cultivate, plant, grow, harvest, and package medical cannabis, including prerolled forms, for any authorized purpose, including, but not limited to, research purposes; and deliver, transfer, transport, distribute, supply, or sell medical cannabis and related supplies to any medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant in the State. In no case shall a medical cannabis cultivator operate or be located on land that is valued, assessed or taxed as an agricultural or horticultural use pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.).

(b) A medical cannabis manufacturer shall be authorized to: purchase or acquire medical cannabis from any medical cannabis cultivator, medical cannabis manufacturer, or clinical registrant in the State; possess and utilize medical cannabis in the manufacture and creation of medical cannabis products; and deliver, transfer, transport, supply, or sell medical cannabis products and related supplies to any medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant in the State.

(c) A medical cannabis dispensary shall be authorized to: purchase or acquire medical cannabis from any medical cannabis cultivator, medical cannabis dispensary, or clinical registrant in the State and medical cannabis products and related supplies from any medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant in the State; purchase or acquire paraphernalia from any legal source; and distribute, supply, sell, or dispense medical cannabis, medical cannabis products, paraphernalia, and related supplies to qualifying patients or their designated or institutional caregivers who are registered with the commission pursuant to section 4 of P.L.2009, c.307 (C.24:6I-4). A medical cannabis dispensary may furnish medical cannabis, medical cannabis products, paraphernalia, and related supplies to a medical cannabis handler for delivery to a registered qualifying patient, designated caregiver, or institutional caregiver consistent with the requirements of subsection i. of section 27 of P.L.2019, c.153 (C.24:6I-20).

(6) A medical cannabis cultivator shall not be limited in the number of strains of medical cannabis cultivated, and a medical cannabis manufacturer shall not be limited in the number or type of medical cannabis products manufactured or created. A medical cannabis manufacturer may package, and a medical cannabis dispensary may directly dispense medical cannabis and medical cannabis products to qualifying patients and their designated and institutional caregivers in any authorized form. Authorized forms shall include dried form, oral lozenges, topical formulations, transdermal form, sublingual form, tincture form, or edible form, or any other form as authorized by the commission. Edible form shall include pills, tablets, capsules, drops or syrups, oils, chewable forms, and any other form as authorized by the commission, except that the edible forms made available to minor patients shall be limited to forms that are medically appropriate for children, including pills, tablets, capsules, chewable forms, and drops, oils, syrups, and other liquids.

(7) Nonprofit medical cannabis cultivators, medical cannabis manufacturers, and medical cannabis dispensaries need not be recognized as a 501(c)(3) organization by the federal Internal Revenue Service.

b. The commission shall require that an applicant provide such information as the commission determines to be necessary pursuant to regulations adopted pursuant to P.L.2009, c.307 (C.24:6I-1 et al.).

c. A person who has been convicted of a crime of the first, second, or third degree under New Jersey law or of a crime involving any controlled dangerous substance or controlled substance analog as set forth in chapter 35 of Title 2C of the New Jersey Statutes except paragraph (11) or (12) of subsection b. of N.J.S.2C:35-5, or paragraph (3) or (4) of subsection a. of N.J.S.2C:35-10, or any similar law of the United States or any other state shall not be issued a permit to operate as a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant or be a director, officer, or employee of a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant, unless such conviction occurred after the effective date of P.L.2009, c.307 (C.24:6I-1 et al.) and was for a violation of federal law relating to possession or sale of cannabis for conduct that is authorized under P.L.2009, c.307 (C.24:6I-1 et al.) or P.L.2015, c.158 (C.18A:40-12.22 et al.).

d. (1) The commission shall require each applicant seeking a permit to operate as, to be a director, officer, or employee of, or to be a significantly involved person in, a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant to undergo a criminal history record background check.

Any individual seeking to become a director, officer, or employee of a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant, after issuance of an initial permit shall notify the commission and shall complete a criminal history record background check and provide all information as may be required by the commission as a condition of assuming a position as director, officer, or employee of the permitted entity. An individual who secures an investment interest or gains the authority to make controlling decisions in a permitted entity that makes the individual a significantly involved person shall notify the commission, complete a criminal history record background check, and provide all information as may be required by the commission no later than 30 days after the date the individual becomes a significantly involved person, or any permit issued to the individual or group of which the significantly involved person is a member shall be revoked and the individual or group shall be deemed ineligible to hold any ownership or investment interest in a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant for a period of at least two years, commencing from the date of revocation, and for such additional period of time as the

commission deems appropriate, based on the duration of the nondisclosure, the size of the individual's or group's investment interest in the permitted entity, the amount of profits, revenue, or income realized by the individual or group from the permitted entity during the period of nondisclosure, and whether the individual had a disqualifying conviction or would otherwise have been deemed ineligible to be a significantly involved person in a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant.

For purposes of this section, the term "applicant" shall include any owner, director, officer, or employee of, and any significantly involved person in, a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant. The commission is authorized to exchange fingerprint data with and receive criminal history record background information from the Division of State Police and the Federal Bureau of Investigation consistent with the provisions of applicable State and federal laws, rules, and regulations. The Division of State Police shall forward criminal history record background information to the commission in a timely manner when requested pursuant to the provisions of this section.

An applicant who is required to undergo a criminal history record background check pursuant to this section shall submit to being fingerprinted in accordance with applicable State and federal laws, rules, and regulations. No check of criminal history record background information shall be performed pursuant to this section unless the applicant has furnished the applicant's written consent to that check. An applicant who is required to undergo a criminal history record background check pursuant to this section who refuses to consent to, or cooperate in, the securing of a check of criminal history record background information shall not be considered for a permit to operate, or authorization to be employed at or to be a significantly involved person in, a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant. An applicant shall bear the cost for the criminal history record background check, including all costs of administering and processing the check.

(2) The commission shall not approve an applicant for a permit to operate, or authorization to be employed at or to be a significantly involved person in, a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant if the criminal history record background information of the applicant reveals a disqualifying conviction as set forth in subsection c. of this section.

(3) Upon receipt of the criminal history record background information from the Division of State Police and the Federal Bureau of Investigation,

the commission shall provide written notification to the applicant of the applicant's qualification or disqualification for a permit to operate or be a director, officer, or employee of, or a significantly involved person in, a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant.

If the applicant is disqualified because of a disqualifying conviction pursuant to the provisions of this section, the conviction that constitutes the basis for the disqualification shall be identified in the written notice.

(4) The Division of State Police shall promptly notify the commission in the event that an individual who was the subject of a criminal history record background check conducted pursuant to this section is convicted of a crime or offense in this State after the date the background check was performed. Upon receipt of that notification, the commission shall make a determination regarding the continued eligibility to operate or be a director, officer, or employee of, or a significantly involved person in, a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant.

(5) Notwithstanding the provisions of subsection c. of this section to the contrary, the commission may offer provisional authority for an applicant to be an owner, director, officer, or employee of, or a significantly involved person in, a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant for a period not to exceed three months if the applicant submits to the commission a sworn statement attesting that the person has not been convicted of any disqualifying conviction pursuant to this section.

(6) Notwithstanding the provisions of subsection c. of this section to the contrary, no applicant to be an owner, director, officer, or employee of, or a significantly involved person in, a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant shall be disqualified on the basis of any conviction disclosed by a criminal history record background check conducted pursuant to this section if the individual has affirmatively demonstrated to the commission clear and convincing evidence of rehabilitation. In determining whether clear and convincing evidence of rehabilitation has been demonstrated, the following factors shall be considered:

(a) the nature and responsibility of the position which the convicted individual would hold, has held, or currently holds;

(b) the nature and seriousness of the crime or offense;

(c) the circumstances under which the crime or offense occurred;

(d) the date of the crime or offense;

(e) the age of the individual when the crime or offense was committed;

(f) whether the crime or offense was an isolated or repeated incident;

(g) any social conditions which may have contributed to the commission of the crime or offense; and

(h) any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the individual under their supervision.

e. The commission shall issue a permit to operate or be an owner, director, officer, or employee of, or a significantly involved person in, a medical cannabis cultivator, medical cannabis manufacturer, or medical cannabis dispensary if the commission finds that issuing such a permit would be consistent with the purposes of P.L.2009, c.307 (C.24:6I-1 et al.) and the requirements of this section and section 11 of P.L.2019, c.153 (C.24:6I-7.1) are met. The denial of an application shall be considered a final agency decision, subject to review by the Appellate Division of the Superior Court. A permit to operate a medical cannabis cultivator, medical cannabis manufacturer, or medical cannabis dispensary issued on or after the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.) shall be valid for one year and shall be renewable annually.

f. A person who has been issued a permit pursuant to this section or a clinical registrant permit pursuant to section 13 of P.L.2019, c.153 (C.24:6I-7.3) shall display the permit at the front entrance to the premises of the permitted facility at all times when the facility is engaged in conduct authorized pursuant to P.L.2009, c.307 (C.24:6I-1 et al.) involving medical cannabis, including, but not limited to, the cultivating, manufacturing, or dispensing of medical cannabis.

g. A medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant shall report any change in information to the commission not later than 10 days after such change, or the permit shall be deemed null and void.

h. Each medical cannabis dispensary and clinical registrant shall maintain and make available on its Internet website, if any, a standard price list that shall apply to all medical cannabis, medical cannabis products, and related supplies and paraphernalia sold or dispensed by the medical cannabis dispensary or clinical registrant, which prices shall be reasonable and consistent with the actual costs incurred by the medical cannabis dispensary or clinical registrant in connection with acquiring and selling, transferring, or dispensing the medical cannabis or medical cannabis product and related supplies and paraphernalia. The prices charged by the medical cannabis dispensary or clinical registrant shall not deviate from the prices indicated on the entity's current price list, provided that a price list maintained by a medical cannabis dispensary or clinical registrant may allow for medical cannabis

to be made available at a reduced price or without charge to qualifying patients who have a demonstrated financial hardship, as that term shall be defined by the commission by regulation. A price list required pursuant to this subsection may be revised no more than once per month, and each medical cannabis dispensary and clinical registrant shall be responsible for ensuring that the commission has a copy of the facility's current price list. A medical cannabis dispensary or clinical registrant shall be liable to a civil penalty of \$1,000 for each sale that occurs at a price that deviates from the entity's current price list, and to a civil penalty of \$10,000 for each week during which the entity's current price list is not on file with the commission. Any civil penalties collected by the commission pursuant to this section shall be deposited in the "Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Fund" established under section 41 of P.L.2021, c.16 (C.24:6I-50), and used by the commission for the purposes of administering the State medical cannabis program.

i. The commission shall adopt regulations to:

(1) require such written documentation of each delivery or dispensation of cannabis to, and pickup of cannabis for, a registered qualifying patient, including the date and amount dispensed, and, in the case of delivery, the date and times the delivery commenced and was completed, the address where the medical cannabis was delivered, the name of the patient or caregiver to whom the medical cannabis was delivered, and the name, handler certification number, and delivery certification number of the medical cannabis handler who performed the delivery, to be maintained in the records of the medical cannabis dispensary or clinical registrant, as the commission determines necessary to ensure effective documentation of the operations of each medical cannabis dispensary or clinical registrant;

(2) monitor, oversee, and investigate all activities performed by medical cannabis cultivators, medical cannabis manufacturers, medical cannabis dispensaries, and clinical registrants;

(3) ensure adequate security of all facilities 24 hours per day and security of all delivery methods to registered qualifying patients; and

(4) establish thresholds for administrative action to be taken against a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant and its employees, officers, investors, directors, or governing board pursuant to subsection m. of this section, including, but not limited to, specific penalties or disciplinary actions that may be imposed in a summary proceeding.

j. (1) Each medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, and clinical registrant shall require the owners,

directors, officers, and employees at the permitted facility to complete at least eight hours of ongoing training each calendar year. The training shall be tailored to the roles and responsibilities of the individual's job function, and shall include training on confidentiality and such other topics as shall be required by the commission.

(2) Each medical cannabis dispensary and clinical registrant shall consider whether to make interpreter services available to the population served, including for individuals with a visual or hearing impairment. The commission shall provide assistance to any medical cannabis dispensary or clinical registrant that seeks to provide such services in locating appropriate interpreter resources. A medical cannabis dispensary or clinical registrant shall assume the cost of providing interpreter services pursuant to this subsection.

k. (1) The first six alternative treatment centers issued permits following the effective date of P.L.2009, c.307 (C.24:6I-1 et al.) shall be authorized to sell or transfer such permit and other assets to a for-profit entity, provided that: the sale or transfer is approved by the commission; each owner, director, officer, and employee of, and significantly involved person in, the entity seeking to purchase or receive the transfer of the permit, undergoes a criminal history record background check pursuant to subsection d. of this section, provided that nothing in this subsection shall be construed to require any individual to undergo a criminal history record background check if the individual would otherwise be exempt from undergoing a criminal history record background check pursuant to subsection d. of this section; the commission finds that the sale or transfer of the permit would be consistent with the purposes of P.L.2009, c.307 (C.24:6I-1 et al.); and no such sale or transfer shall be authorized more than one year after the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.). The sale or transfer of a permit pursuant to this subsection shall not be subject to the requirements of the "New Jersey Nonprofit Corporation Act," N.J.S.15A:1-1 et seq., provided that, prior to or at the time of the sale or transfer, all debts and obligations of the nonprofit entity are either paid in full or assumed by the for-profit entity purchasing or acquiring the permit, or a reserve fund is established for the purpose of paying in full the debts and obligations of the nonprofit entity, and the for-profit entity pays the full value of all assets held by the nonprofit entity, as reflected on the nonprofit entity's balance sheet, in addition to the agreed-upon price for the sale or transfer of the entity's alternative treatment center permit. Until such time as the members of the Cannabis Regulatory Commission are appointed and the commission first organizes, the Department of Health shall have full authority to approve a sale or transfer pursuant to this paragraph.

(2) The sale or transfer of any interest of five percent or more in a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant permit shall be subject to approval by the commission and conditioned on the entity that is purchasing or receiving transfer of the interest in the medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant permit completing a criminal history record background check pursuant to the requirements of subsection d. of this section.

l. No employee of any department, division, agency, board, or other State, county, or local government entity involved in the process of reviewing, processing, or making determinations with regard to medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant permit applications shall have any direct or indirect financial interest in the cultivating, manufacturing, or dispensing of medical cannabis or related paraphernalia, or otherwise receive anything of value from an applicant for a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant permit in exchange for reviewing, processing, or making any recommendations with respect to a permit application.

m. In the event that a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant fails to comply with any requirements set forth in P.L.2009, c.307 (C.24:6I-1 et al.) or any related law or regulation, the commission may invoke penalties or take administrative action against the medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant and its employees, officers, investors, directors, or governing board, including, but not limited to, assessing fines, referring matters to another State agency, and suspending or terminating any permit held by the medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant. Any penalties imposed or administrative actions taken by the commission pursuant to this subsection may be imposed in a summary proceeding.

C.24:6I-47 Medical cannabis provisions.

35. Medical Cannabis Provisions.

Nothing in P.L.2021, c.16 (C.24:6I-31 et al.) shall be construed:

a. to limit any privileges or rights of a registered qualifying patient, designated caregiver, institutional caregiver, or alternative treatment center as provided in the “Jake Honig Compassionate Use Medical Cannabis Act,” P.L.2009, c.307 (C.24:6I-1 et al.), or P.L.2015, c.158 (C.18A:40-12.22 et al.) concerning the use of medical cannabis and medical cannabis products;

b. to authorize an alternative treatment center to provide cannabis items to or on behalf of a person who is not a registered qualifying patient, unless that alternative treatment center is deemed to be licensed to engage in the retail sale of cannabis items pursuant to section 7 of P.L.2009, c.307 (C.24:6I-7) and issued a license by the commission following receipt of a municipality's written approval for a cannabis retailer pursuant to subparagraph (a) of paragraph (3) of subsection a. of section 33 of P.L.2021, c.16 (C.24:6I-46), or otherwise has applied for a license, and been approved and issued a license by the commission pursuant to P.L.2021, c.16 (C.24:6I-31 et al.) to simultaneously operate as a cannabis retailer, and the alternative treatment center has certified to the commission pursuant to paragraph (3) of subsection a. of that section 33 (C.24:6I-46), that it has sufficient quantities of medical cannabis and medical cannabis products available to meet the reasonably anticipated needs of registered qualifying patients, and the commission has accepted the alternative treatment center's certification;

c. to authorize an alternative treatment center to purchase or acquire cannabis or cannabis items in a manner or from a source not permitted under the "Jake Honig Compassionate Use Medical Cannabis Act," P.L.2009, c.307 (C.24:6I-1 et al.) or P.L.2015, c.158 (C.18A:40-12.22 et al.), unless that alternative treatment center is deemed to be a licensed cannabis establishment or delivery service pursuant to section 7 of P.L.2009, c.307 (C.24:6I-7) and issued a license by the commission following receipt of a municipality's written approval for the cannabis establishment or delivery service pursuant to subparagraph (a) of paragraph (3) of subsection a. of section 33 of P.L.2021, c.16 (C.24:6I-46), or otherwise has applied for a license, and been approved and issued a license by the commission pursuant to P.L.2021, c.16 (C.24:6I-31 et al.) to simultaneously operate as a cannabis establishment or delivery service, and the alternative treatment center has certified to the commission pursuant to paragraph (3) of subsection a. of that section 33 (C.24:6I-46), that it has sufficient quantities of medical cannabis and, if applicable, medical cannabis products available to meet the reasonably anticipated needs of registered qualifying patients, and the commission has accepted the alternative treatment center's certification;

d. to authorize an alternative treatment center issued a permit under section 7 of P.L.2009, c.307 (C.24:6I-7) to operate on the same premises as a cannabis license holder or applicant for a license, unless that alternative treatment center is deemed to be a licensed cannabis establishment or delivery service pursuant to section 7 of P.L.2009, c.307 (C.24:6I-7) and issued a license by the commission following receipt of a municipality's written ap-

proval for the cannabis establishment or delivery service pursuant to subparagraph (a) of paragraph (3) of subsection a. of section 33 of P.L.2021, c.16 (C.24:6I-46), or otherwise has applied for a license, and been approved and issued a license by the commission pursuant to P.L.2021, c.16 (C.24:6I-31 et al.) to simultaneously operate as a cannabis establishment or delivery service, and the alternative treatment center has certified to the commission pursuant to paragraph (3) of subsection a. of that section 33 (C.24:6I-46), that it has sufficient quantities of medical cannabis and, if applicable, medical cannabis products available to meet the reasonably anticipated needs of registered qualifying patients, and the commission has accepted the alternative treatment center's certification.

C.24:6I-48 Medical cannabis – additional regulatory requirements.

36. Medical Cannabis – Additional Regulatory Requirements.

An alternative treatment center issued a permit under section 7 of P.L.2009, c.307 (C.24:6I-7) shall, as a condition of engaging in operations associated with cannabis or cannabis items, after being deemed to be licensed pursuant to that section and issued a license by the commission following receipt of a municipality's written approval for a cannabis establishment or delivery service pursuant to subparagraph (a) of paragraph (3) of subsection a. of section 33 of P.L.2021, c.16 (C.24:6I-46), or otherwise issued a license by the commission pursuant to P.L.2021, c.16 (C.24:6I-31 et al.) to simultaneously operate as a cannabis establishment or delivery service, certify to the commission pursuant to paragraph (3) of subsection a. of that section 33 (C.24:6I-46), that it has sufficient quantities of medical cannabis and, if applicable, medical cannabis products available to meet the reasonably anticipated needs of registered qualifying patients, and the commission has accepted the alternative treatment center's certification.

C.24:6I-49 Business treatment of cannabis establishments, distributors, and delivery services.

37. Business Treatment of Cannabis Establishments, Distributors, and Delivery Services.

With respect to the business treatment of cannabis establishments, distributors, and delivery services:

a. A financial institution, as defined by section 2 of P.L.1983, c.466 (C.17:16K-2), shall not, subject to the suspension or revocation of a charter or other available enforcement action by the Commissioner of Banking and Insurance, engage in any discriminatory activities with respect to the banking activities of a cannabis establishment, distributor, or delivery service, or the

banking activities of a person associated with a cannabis establishment, distributor, or delivery service.

b. (1) In no case shall a cannabis cultivator operate or be located on land that is valued, assessed or taxed as an agricultural or horticultural use pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.).

(2) As used in this paragraph, "State or local economic incentive" means a financial incentive, awarded by the State, any political subdivision of the State, or any agency or instrumentality of the State or political subdivision of the State, to any non-governmental person, association, for-profit or non-profit corporation, joint venture, limited liability company, partnership, sole proprietorship, or other form of business organization or entity, or agreed to between the government and non-governmental parties, for the purpose of stimulating economic development or redevelopment in New Jersey, including, but not limited to, a bond, grant, loan, loan guarantee, matching fund, tax credit, or other tax expenditure.

(a) (i) A person or entity issued a license to operate as a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service, or that employs a certified personal use cannabis handler to perform work for or on behalf of a cannabis establishment, distributor, or delivery service shall not be eligible for a State or local economic incentive.

(ii) The issuance of a license to operate as a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service, or the issuance of a certification to perform work for or on behalf of a cannabis establishment, distributor, or delivery service to a person or entity that has been awarded a State or local economic incentive shall invalidate the right of the person or entity to benefit from the economic incentive as of the date of issuance of the license or certification.

(b) (i) A property owner, developer, or operator of a project to be used, in whole or in part, by or to benefit a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service, or to employ a certified personal use cannabis handler to perform work for or on behalf of a cannabis establishment, distributor, or delivery service, shall not be eligible for a State or local economic incentive during the period of time that the economic incentive is in effect.

(ii) The issuance of a license to operate as a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service, or issuance of a certification to perform work for or on behalf of a cannabis establishment, distributor, or delivery service at a

location that is the subject of a State or local economic incentive shall invalidate the right of a property owner, developer, or operator to benefit from the economic incentive as of the date of issuance of the license or certification.

38. Section 29 of P.L.2019, c.153 (C.24:6I-22) is amended to read as follows:

C.24:6I-22 System for tracking, cultivating, manufacturing, transfer, dispensing, delivery.

29. a. (1) The commission shall develop and maintain a system for tracking:

(a) the cultivation of medical cannabis, the manufacturing of medical cannabis products, the transfer of medical cannabis and medical cannabis products between medical cannabis cultivators, medical cannabis manufacturers, medical cannabis dispensaries, clinical registrants, testing laboratories as authorized pursuant to paragraph (5) of subsection a. of section 7 of P.L.2009, c.307 (C.24:6I-7), subsection h. of section 27 of P.L.2019, c.153 (C.24:6I-20), and cannabis testing facilities pursuant to section 18 of P.L.2021, c.16 (C.24:6I-35), and the dispensing or delivery of medical cannabis to registered qualifying patients, designated caregivers, and institutional caregivers; and

(b) the production of personal use cannabis, the manufacturing of cannabis items, the transportation by cannabis distributors or other transfer of cannabis items between the premises of cannabis cultivators, cannabis manufacturers, cannabis wholesalers, cannabis retailers, and authorized laboratories and testing facilities, the retail sale of cannabis items to persons 21 years of age or older, and the delivery of cannabis items to persons 21 years of age or older through cannabis delivery services or by personal use cannabis handlers as authorized pursuant to P.L.2021, c.16 (C.24:6I-31 et al.).

(2) The tracking system shall, among other features as determined by the commission, utilize a stamp affixed to a container or package for medical cannabis or personal use cannabis items to assist in the collection of the information required to be tracked pursuant to subsection c. of this section.

(a) The commission, in consultation with the Director of the Division of Taxation, shall secure stamps based on the designs, specifications, and denominations prescribed by the commission in regulation, and which incorporate encryption, security, and counterfeit-resistant features to prevent the unauthorized duplication or counterfeiting of any stamp. The stamp shall be readable by a scanner or similar device that may be used by the commission, the Director of the Division of Taxation, medical cannabis cultivators, medical cannabis manufacturers, medical cannabis dispensaries, and clinical reg-

istrants, and personal use cannabis cultivators, cannabis manufacturers, cannabis wholesalers, cannabis distributors, cannabis retailers, and cannabis delivery services.

(b) The commission, and the Director of the Division of Taxation if authorized by the commission, shall make stamps available for purchase by medical cannabis cultivators, medical cannabis manufacturers, and clinical registrants, and personal use cannabis cultivators, cannabis manufacturers, cannabis wholesalers, cannabis distributors, cannabis retailers, and cannabis delivery services, which shall be the only entities authorized to affix a stamp to a container or package for medical cannabis or personal use cannabis items in accordance with applicable regulations promulgated by the commission in consultation with the Director of the Division of Taxation. The price charged by the commission for a stamp shall be reasonable and commensurate with the cost of producing the stamp.

(c) A medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, clinical registrant, or certified medical cannabis handler, or a personal use cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, cannabis delivery service, or certified personal use cannabis handler, shall not purchase, sell, offer for sale, transfer, transport, or deliver any medical cannabis or personal use cannabis item unless a stamp is properly affixed to the container or package for the medical cannabis or personal use cannabis item.

b. The purposes of the system developed and maintained under this section include, but are not limited to:

(1) preventing the diversion of medical cannabis and personal use cannabis items to criminal enterprises, gangs, cartels, persons not authorized to possess medical cannabis or personal use cannabis items, and other states;

(2) preventing persons from substituting or tampering with medical cannabis and personal use cannabis items;

(3) ensuring an accurate accounting of the cultivation, manufacturing, transferring, dispensing, and delivery of medical cannabis, and the production, manufacturing, transporting, transferring, sale, and delivery of personal use cannabis items;

(4) ensuring that the testing results from licensed testing laboratories and facilities are accurately reported; and

(5) ensuring compliance with the rules and regulations adopted by the commission and any other law of this State that charges the commission with a duty, function, or power related to medical cannabis or personal use cannabis items.

c. The system developed and maintained under this section shall be capable of tracking, at a minimum:

(1) the propagation of immature medical cannabis plants and personal use cannabis plants, the production of medical cannabis by a medical cannabis cultivator, and the production of personal use cannabis by a cannabis cultivator;

(2) the utilization of medical cannabis in the manufacture and creation of medical cannabis products by a medical cannabis manufacturer, the manufacturing of personal use cannabis items by a cannabis manufacturer, the receiving, storing, and sending of personal use cannabis items by a cannabis wholesaler, and the transporting in bulk cannabis items by a cannabis distributor;

(3) the transfer of medical cannabis and medical cannabis products, and personal use cannabis items, to and from licensed testing laboratories and facilities for testing purposes;

(4) the dispensing of medical cannabis by a medical cannabis dispensary or clinical registrant, and the selling of personal use cannabis items by a cannabis retailer;

(5) the furnishing of medical cannabis by a medical cannabis dispensary or clinical registrant to a medical cannabis handler for delivery, and the furnishing of personal use cannabis items by a cannabis retailer to a personal use cannabis handler for delivery;

(6) the delivery of medical cannabis by a medical cannabis handler, and the delivery of personal use cannabis items by a personal use cannabis handler;

(7) the purchase, sale, or other transfer of medical cannabis and medical cannabis products between medical cannabis cultivators, medical cannabis manufacturers, medical cannabis dispensaries, and clinical registrants as authorized pursuant to paragraph (5) of subsection a. of section 7 of P.L.2009, c.307 (C.24:6I-7) and subsection h. of section 27 of P.L.2019, c.153 (C.24:6I-20), and the purchase, sale, transporting, or other transfer of personal use cannabis and cannabis items by or between cannabis cultivators, cannabis manufacturers, cannabis wholesalers, cannabis distributors, cannabis retailers, and cannabis delivery services as authorized pursuant to P.L.2021, c.16 (C.24:6I-31 et al.); and

(8) any other information that the commission determines is reasonably necessary to accomplish its duties, functions, and powers.

C.54:47F-1 Optional social equity excise fee assessed on Class 1 cannabis cultivator licensees.

39. Optional Social Equity Excise Fee Assessed on Class 1 Cannabis Cultivator Licensees.

a. There may be a Social Equity Excise Fee imposed by the commission on the cultivation of cannabis by any cannabis cultivator licensed pursuant to the provisions P.L.2021, c.16 (C.24:6I-31 et al.), or on the cultivation of can-

nabis for the personal use cannabis marketplace and not for the medical cannabis marketplace by any alternative treatment center deemed to be licensed to engage in personal use cannabis activities pursuant to section 7 of P.L.2009, c.307 (C.24:6I-7) and issued a Class 1 Cannabis Cultivator license by the commission pursuant to subparagraph (a) of paragraph (3) of subsection a. of section 33 of P.L.2021, c.16 (C.24:6I-46). The excise fee, if imposed by the commission pursuant to this section, shall be imposed on the receipts from the sale, or equivalent value of the transfer, of usable cannabis by a cannabis cultivator to any other cannabis establishment, other than another cannabis cultivator. Any sale by a cannabis cultivator for which the excise fee is imposed pursuant to this section shall be exempt from the tax imposed under the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.).

(1) Immediately following the adoption of the commission's initial rules and regulations pursuant to subparagraph (a) of paragraph (1) of subsection d. of section 6 of P.L.2021, c.16 (C.24:6I-34), there may be an excise fee imposed on a cannabis cultivator's sale or transfer as described in this subsection in the amount of $\frac{1}{3}$ of 1% of the Statewide average retail price of an ounce of usable cannabis for consumer purchase, and any fractional portion of an ounce sold or transferred shall be subject to the fee on a proportional basis, during the calendar year the fee may be imposed in accordance with this paragraph; and

(2) Beginning nine months following the first sale or transfer of usable cannabis subject to the excise fee as described in paragraph (1) of this subsection, which sale or transfer is made by a cannabis cultivator that is not also an alternative treatment center deemed to be licensed to engage in personal use cannabis activities pursuant to section 7 of P.L.2009, c.307 (C.24:6I-7) and issued a Class 1 Cannabis Cultivator license by the commission pursuant to subparagraph (a) of paragraph (3) of subsection a. of section 33 of P.L.2021, c.16 (C.24:6I-46), the excise fee may be adjusted annually based upon the Statewide average retail price of usable cannabis for consumer purchase in the calendar year next preceding the year in which the adjusted fee would be imposed, and the adjusted excise fee shall be by the ounces of usable cannabis sold or transferred by a cannabis cultivator, and any fractional portion of an ounce sold or transferred shall be subject to the fee on a proportional basis, as follows:

(a) up to \$10 per ounce, as established by the commission, if the average retail price of an ounce of usable cannabis was \$350 or more;

(b) up to \$30 per ounce, as established by the commission, if the average retail price of an ounce of usable cannabis was less than \$350 but at least \$250;

(c) up to \$40 per ounce, as established by the commission, if the average retail price of an ounce of usable cannabis was less than \$250 but at least \$200; and (d) up to \$60 per ounce, as established by the commission, if the average retail price of an ounce of usable cannabis less than \$200.

b. (1) Any excise fee imposed pursuant to this section shall be collected from the cannabis establishment purchasing or acquiring the usable cannabis or paid by the cannabis cultivator, and remitted to the Director of the Division of Taxation. The fee shall be stated, charged, and shown separately on any sales slip, invoice, receipt, or other statement or memorandum of the price paid or payable, or equivalent value of the transfer, for the usable cannabis.

(2) Every cannabis cultivator required to collect or pay any excise fee imposed by this section shall be personally liable for the fee imposed, collected, or required to be collected or paid under this section. Any cannabis cultivator shall have the same right with respect to collecting the fee from the cannabis establishment purchasing or acquiring the usable cannabis, or with respect to non-payment of the fee by the cannabis establishment, as if the fee were a part of the purchase price or value of the transfer of the usable cannabis, and payable at the same time; provided, however, that the director shall be joined as a party in any action or proceeding brought to collect the fee.

c. Any excise fee imposed shall be reported and paid to the Director of the Division of Taxation on a monthly basis, in a manner prescribed by the director.

d. Except as otherwise provided in the “Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act,” P.L.2021, c.16 (C.24:6I-31 et al.), any excise fee imposed pursuant to this section shall be governed by the provisions of the “State Uniform Tax Procedure Law,” R.S.54:48-1 et seq.

e. Any excise fee imposed under this section shall not apply to sales or transfers of usable cannabis by a cannabis cultivator to a licensed medical cannabis alternative treatment center for use in medical cannabis dispensing pursuant to the “Jake Honig Compassionate Use Medical Cannabis Act,” P.L.2009, c.307 (C.24:6I-1 et al.) or P.L.2015, c.158 (C.18A:40-12.22 et al.).

f. Any excise fee revenue collected pursuant to this section shall be deposited by the Director of the Office of Management and Budget into the “Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Fund” established under section 41 of P.L.2021, c.16 (C.24:6I-50), and shall be used for annual appropriations for investing in social equity programs as set forth in that section.

g. As used in this section:

“Cannabis cultivator” means the same as that term is defined in section 3 of P.L.2021, c.16 (C.24:6I-33).

“Cannabis establishment” means the same as that term is defined in section 3 of P.L.2021, c.16 (C.24:6I-33).

“Usable cannabis” means the same as that term is defined in section 3 of P.L.2021, c.16 (C.24:6I-33).

C.40:48I-1 Optional local cannabis transfer tax and user tax.

40. Optional Local Cannabis Transfer Tax and User Tax.

a. (1) A municipality may adopt an ordinance imposing a transfer tax on the sale of cannabis or cannabis items by a cannabis establishment that is located in the municipality. At the discretion of the municipality, the tax may be imposed on: receipts from the sale of cannabis by a cannabis cultivator to another cannabis cultivator; receipts from the sale of cannabis items from one cannabis establishment to another cannabis establishment; receipts from the retail sales of cannabis items by a cannabis retailer to retail consumers who are 21 years of age or older; or any combination thereof. Each municipality shall set its own rate or rates, but in no case shall a rate exceed: two percent of the receipts from each sale by a cannabis cultivator; two percent of the receipts from each sale by a cannabis manufacturer; one percent of the receipts from each sale by a cannabis wholesaler; and two percent of the receipts from each sale by a cannabis retailer.

(2) A local tax ordinance adopted pursuant to paragraph (1) of this subsection shall also include provisions for imposing a user tax, at the equivalent transfer tax rates, on any concurrent license holder, as permitted by section 33 of P.L.2021, c.16 (C.24:6I-46), operating more than one cannabis establishment. The user tax shall be imposed on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the transfer tax imposed pursuant to paragraph (1) of this subsection, from the license holder’s establishment that is located in the municipality to any of the other license holder’s establishments, whether located in the municipality or another municipality.

b. (1) A transfer tax or user tax imposed pursuant to this section shall be in addition to any other tax imposed by law. Any transaction for which the transfer tax or user tax is imposed, or could be imposed, pursuant to this section, other than those which generate receipts from the retail sales by cannabis retailers, shall be exempt from the tax imposed under the “Sales and Use Tax Act,” P.L.1966, c.30 (C.54:32B-1 et seq.). The transfer tax or user tax shall be collected or paid, and remitted to the municipality by the cannabis establishment from the cannabis establishment purchasing or receiving the cannabis or cannabis item, or from the consumer at the point of sale, on behalf of the municipality by the cannabis retailer selling the cannabis item to that consumer. The transfer tax or user tax shall be stated, charged, and

shown separately on any sales slip, invoice, receipt, or other statement or memorandum of the price paid or payable, or equivalent value of the transfer, for the cannabis or cannabis item.

(2) Every cannabis establishment required to collect a transfer tax or user tax imposed by ordinance pursuant to this section shall be personally liable for the transfer tax or user tax imposed, collected, or required to be collected under this section. Any cannabis establishment shall have the same right with respect to collecting the transfer tax or user tax from another cannabis establishment or the consumer as if the transfer tax or user tax was a part of the sale and payable at the same time, or with respect to non-payment of the transfer tax or user tax by the cannabis establishment or consumer, as if the transfer tax or user tax was a part of the purchase price of the cannabis or cannabis item, or equivalent value of the transfer of the cannabis or cannabis item, and payable at the same time; provided, however, that the chief fiscal officer of the municipality which imposes the transfer tax or user tax shall be joined as a party in any action or proceeding brought to collect the transfer tax or user tax.

(3) No cannabis establishment required to collect a transfer tax or user tax imposed by ordinance pursuant to this section shall advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the transfer tax or user tax will not be separately charged and stated to another cannabis establishment or the consumer, or that the transfer tax or user tax will be refunded to the cannabis establishment or the consumer.

c. (1) All revenues collected from a transfer tax or user tax imposed by ordinance pursuant to this section shall be remitted to the chief financial officer of the municipality in a manner prescribed by the municipality. The chief financial officer shall collect and administer any transfer tax or user tax imposed by ordinance pursuant to this section. The municipality shall enforce the payment of delinquent taxes or transfer fees imposed by ordinance pursuant to this section in the same manner as provided for municipal real property taxes.

(2) (a) In the event that the transfer tax or user tax imposed by ordinance pursuant to this section is not paid as and when due by a cannabis establishment, the unpaid balance, and any interest accruing thereon, shall be a lien on the parcel of real property comprising the cannabis establishment's premises in the same manner as all other unpaid municipal taxes, fees, or other charges. The lien shall be superior and paramount to the interest in the parcel of any owner, lessee, tenant, mortgagee, or other person, except the lien of municipal taxes, and shall be on a parity with and deemed equal to the municipal lien on the parcel for unpaid property taxes due and owing in the same year.

(b) A municipality shall file in the office of its tax collector a statement showing the amount and due date of the unpaid balance and identifying the

lot and block number of the parcel of real property that comprises the delinquent cannabis establishment's premises. The lien shall be enforced as a municipal lien in the same manner as all other municipal liens are enforced.

d. As used in this section:

"Cannabis" means the same as that term is defined in section 3 of P.L.2021, c.16 (C.24:6I-33).

"Cannabis cultivator" means the same as that term is defined in section 3 of P.L.2021, c.16 (C.24:6I-33).

"Cannabis establishment" means the same as that term is defined in section 3 of P.L.2021, c.16 (C.24:6I-33).

"Cannabis items" means the same as that term is defined in section 3 of P.L.2021, c.16 (C.24:6I-33).

"Cannabis manufacturer" means the same as that term is defined in section 3 of P.L.2021, c.16 (C.24:6I-33).

"Cannabis retailer" means the same as that term is defined in section 3 of P.L.2021, c.16 (C.24:6I-33).

"Cannabis wholesaler" means the same as that term is defined in section 3 of P.L.2021, c.16 (C.24:6I-33).

"Consumer" means the same as that term is defined in section 3 of P.L.2021, c.16 (C.24:6I-33).

"Premises" means the same as that term is defined in section 3 of P.L.2021, c.16 (C.24:6I-33).

C.24:6I-50 Cannabis regulatory, enforcement assistance, and marketplace modernization fund.

41. Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Fund.

a. All fees and penalties collected by the commission, and all tax revenues on retail sales of cannabis items, and all tax revenues collected pursuant to the provisions of the "Jake Honig Compassionate Use Medical Cannabis Act," P.L.2009, c.307 (C.24:6I-1 et al.), except for amounts credited to the Property Tax Reform Account in the Property Tax Relief Fund pursuant to paragraph 7 of Section I of Article VIII of the New Jersey Constitution, as well as all revenues, if any, collected for the Social Equity Excise Fee pursuant to section 39 of P.L.2021, c.16 (C.54:47F-1), shall be deposited in a special nonlapsing fund which shall be known as the "Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Fund."

b. Monies in the fund, other than any monies derived from the Social Equity Excise Fee to be appropriated annually in accordance with subsection d. of this section, shall be appropriated annually as follows:

(1) at least 70 percent of all tax revenues on retail sales of cannabis items shall be appropriated for investments, including through grants, loans, reimbursements of expenses, and other financial assistance, in municipalities defined as an “impact zone” pursuant to section 3 of P.L.2021, c.16 (C.24:6I-33), as well as provide direct financial assistance to qualifying persons residing therein as recommended by the commission; and (2) the remainder of the monies in the fund shall be appropriated by the Legislature to include the following:

(a) to oversee the development, regulation, and enforcement of activities associated with the personal use of cannabis pursuant to P.L.2021, c.16 (C.24:6I-31 et al.), and assist with assuming responsibility from the Department of Health for the further development and expansion, regulation, and enforcement of activities associated with the medical use of cannabis pursuant to the “Jake Honig Compassionate Use Medical Cannabis Act,” P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.);

(b) to reimburse the expenses incurred by any county or municipality for the training costs associated with the attendance and participation of a police officer from its law enforcement unit, as those terms are defined in section 2 of P.L.1961, c.56 (C.52:17B-67), in a program provided by an approved school, also defined in that section, which trains and certifies the police officer, including a police officer with a working dog as that term is defined in section 1 of P.L.2006, c.88 (C.10:5-29.7), as a Drug Recognition Expert for detecting, identifying, and apprehending drug-impaired motor vehicle operators, and pay for the same training costs incurred by the Division of State Police in the Department of Law and Public Safety for the training of a State police officer or trooper, including an officer or trooper with a working dog, as a Drug Recognition Expert, as well as its costs in furnishing additional program instructors to provide Drug Recognition Expert training to police officers, troopers, and working dogs. A municipality or county seeking reimbursement shall apply to the commission, itemizing the costs, with appropriate proofs, for which reimbursement is requested and provide a copy of the certificate issued to the police officer to indicate the successful completion of the program by the police officer, and that officer’s working dog, if applicable; and

(c) for further investments, including through grants, loans, reimbursements of expenses, and other financial assistance, in municipalities defined as an “impact zone” pursuant to section 3 of P.L.2021, c.16 (C.24:6I-33), as well as provide direct financial assistance to qualifying persons residing therein as recommended by the commission.

The monies appropriated pursuant to paragraph (1) of this subsection shall be offset by any revenue constitutionally dedicated to municipalities defined as an “impact zone” pursuant to section 3 of P.L.2021, c.16 (C.24:6I-33).

c. Any remaining available monies, after the appropriation of those monies in the fund in accordance with subsection b. of this section, shall be deposited in the State’s General Fund.

d. (1) (a) Not less than 60 days prior to the first day of each State fiscal year, the commission shall consult and make recommendations to the Governor and Legislature for making social equity appropriations based upon the amount of any revenues collected during the current fiscal year for the Social Equity Excise Fee pursuant to section 39 of P.L.2021, c.16 (C.54:47F-1), or, if the commission has not imposed or adjusted the excise fee in the current fiscal year pursuant to that section, then appropriations to be made from the General Fund in an amount equal to the revenues that would have been collected had it imposed or adjusted the fee, in order to invest, through grants, loans, reimbursements of expenses, and other financial assistance, in private for-profit and non-profit organizations, public entities, including any municipality defined as an “impact zone” pursuant to section 3 of P.L.2021, c.16 (C.24:6I-33), as well as provide direct financial assistance to qualifying persons as determined by the commission, in order to create, expand, or promote educational and economic opportunities and activities, and the health and well-being of both communities and individuals.

(b) Not less than 30 days prior to submitting its recommendations to the Governor and Legislature pursuant to subparagraph (a) of this paragraph, the commission shall hold at least three regional public hearings throughout the State, with at least one hearing in the northern, central, and southern regions of the State, to solicit the public input on the social equity investments to be made as described in this section.

(2) The commission’s recommendations to the Governor and Legislature may include, but are not limited to, recommending investments in the following categories of social equity programs:

(a) educational support, including literacy programs, extended learning time programs that endeavor to close the achievement gap and provide services for enrolled students after the traditional school day, GED application and preparedness assistance, tutoring programs, vocational programming, and financial literacy;

(b) economic development, including the encouragement and support of community activities so as to stimulate economic activity or increase or preserve residential amenities, and business marketing, and job skills and readiness training, specific employment training, and apprenticeships;

(c) social support services, including food assistance, mental health services, substance use disorders treatment and recovery, youth recreation and mentoring services, life skills support services, and reentry and other rehabilitative services for adults and juveniles being released from incarceration; and

(d) legal aid for civil and criminal cases.

(3) The commission may also, subject to the annual appropriations act, recommend that it retain a portion of the Social Equity Excise Fee to administer startup grants, low-interest loans, application fee assistance, and job training programs through the commission's Office of Minority, Disabled Veterans and Women Cannabis Business Development established by section 32 of P.L.2019, c.153 (24:6I-25).

(4) Prior to the first day of each fiscal year, the Legislature shall provide to the commission a statement which lists the investments, including the investment recipients and investment amount, to be made by appropriations as set forth in paragraph (1) of this subsection based upon recommendations presented to the Governor and Legislature pursuant to paragraphs (1) through (3) of this subsection, and how the investment is intended to support and advance social equity as described in this subsection.

42. R.S. 24:1-1 is amended to read as follows:

Definitions.

As used in this Title:

a. "State department," "department of health" and "department" mean the "State Department of Health."

b. "Council" means the Public Health Council in the State Department of Health.

c. "Local board" or "local board of health" means the board of health of any municipality, or the boards, bodies, or officers in such municipality lawfully exercising the powers of a local board of health under the laws governing such municipality, and includes any consolidated local board of health or county local board of health created and established pursuant to law.

d. "Food" means (1) articles used for food or drink for man or other animals (2) chewing gum and (3) articles used for components of any such article.

e. "Drug" means (1) articles 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 (2) articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; and (3) articles (other than food) intended to affect the structure or any function of the body of man or other

animals; and (4) articles intended for use as a component of any article specified in (1), (2), or (3) of this definition; but does not include biological products, or devices or their components, parts, or accessories. The term "drug" also does not include: hemp and hemp products cultivated, handled, processed, transported, or sold pursuant to the "New Jersey Hemp Farming Act," P.L.2019, c.238 (C.4:28-6 et al.); cannabis as defined in section 3 of P.L.2021, c.16 (C.24:6I-33) which is cultivated and produced for use in a cannabis item, as defined in that section, in accordance with the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act," P.L.2021, c.16 (C.24:6I-31 et al.); and cannabis resin as defined in that section 3 (C.24:6I-33) which is extracted for use in a cannabis item, as defined in that section, in accordance with that act.

f. "Package" or "container" means wrapper, case, basket, hamper, can, bottle, jar, tube, cask, vessel, tub, firkin, keg, jug, barrel, or other receptacles, but the word, "package" shall not include open containers which permit a visual and physical inspection by the purchaser at retail, nor bags and other receptacles which are filled in the presence of the purchaser at retail.

g. "Device" means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended (1) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; or (2) to affect the structure or any function of the body of man or other animals.

h. "Cosmetic" means (1) articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and (2) articles intended for use as a component of any such articles; except that such term shall not include soap.

i. "New drug" means (1) any drug the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety of drugs, as safe for use under the conditions prescribed, recommended, or suggested in the labeling thereof, and (2) any drug the composition of which is such that such drug, as a result of investigations to determine its safety for use under such conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions.

j. "Label" means a display of written, printed, or graphic matter upon the immediate container of any article; and a requirement made by or under authority of this subtitle that any word, statement or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any there be, of the retail package of such article, or is easily legible

through the outside container or wrapper. The term "immediate container" does not include package liners.

k. "Labeling" means all labels and other written, printed or graphic matter (1) upon an article or any of its containers or wrappers, or (2) accompanying such article.

l. "Official compendium" means the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, official National Formulary, or any supplement to any of them.

m. If an article is alleged to be misbranded because the labeling is misleading, then in determining whether such labeling is misleading there shall be taken into account, among other things, not only representations made or suggested by statement, word, design, or any combination thereof, but also the extent to which such labeling fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the article to which such labeling relates under the conditions of use prescribed in the labeling thereof or under such conditions of use as are customary or usual.

n. The representation of a drug as an antiseptic shall be considered to be a representation that it is a germicide, except in the case of a drug purporting to be, or represented as, an antiseptic for inhibitory use as a wet dressing, ointment, dusting powder, or such other use as involves prolonged contact with the body.

o. The provisions of this act regarding the selling of food, drugs, devices, or cosmetics, shall be considered to include the manufacture, production, processing, packing, exposure, offer, possession, and holding of any such article for sale; and the sale, dispensing, and giving away of any such article and the supplying or applying of any such articles in the conduct of any food, drug or cosmetic establishment.

p. The term "Federal Act" means the Federal Food, Drug and Cosmetic Act (Title 21, U.S.C. s.301 et seq.; 52 Stat. 1040 et seq.).

43. Section 2 of P.L.1970, c.226 (C.24:21-2) is amended to read as follows:

C.24:21-2 Definitions.

2. As used in P.L.1970, c.226 (C.24:21-1 et seq.):

"Administer" means the direct application of a controlled dangerous substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by: (1) a practitioner or, in the practitioner's presence, by the practitioner's lawfully authorized agent, or (2) the patient or research subject at the lawful direction and in the presence of the practitioner.

"Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser but does not include a common or contract carrier, public warehouseman, or employee thereof.

"Commissioner" means the Commissioner of Health.

"Controlled dangerous substance" means a drug, substance, or immediate precursor in Schedules I through V of article 2 of P.L.1970, c.226 (C.24:21-1 et seq.), marijuana, and hashish as defined in this section. 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., tobacco and tobacco products, and cannabis and cannabis items as those terms are defined in section 3 of P.L.2021, c.16 (C.24:6I-33).

"Counterfeit substance" means a controlled dangerous substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person or persons who in fact manufactured, distributed, or dispensed such substance and which thereby falsely purports or is represented to be the product of, or to have been distributed by, such other manufacturer, distributor, or dispenser.

"Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a controlled dangerous substance, whether or not there is an agency relationship.

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

"Dispense" means to deliver a controlled dangerous substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.

"Dispenser" means a practitioner who dispenses.

"Distribute" means to deliver other than by administering or dispensing a controlled dangerous substance.

"Distributor" means a person who distributes.

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

"Drug Enforcement Administration" means the Drug Enforcement Administration in the United States Department of Justice.

"Drugs" means (1) 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 (2) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (3) substances, other than food,

intended to affect the structure or any function of the body of man or other animals; and (4) substances intended for use as a component of any article specified in (1), (2), and (3) of this definition; but does not include devices or their components, parts or accessories. "Drugs" shall not mean: hemp and hemp products cultivated, handled, processed, transported, or sold pursuant to the "New Jersey Hemp Farming Act," P.L.2019, c.238 (C.4:28-6 et al.); cannabis as defined in section 3 of P.L.2021, c.16 (C.24:6I-33) which is cultivated and produced for use in a cannabis item, as defined in that section, in accordance with the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act," P.L.2021, c.16 (C.24:6I-31 et al.); and cannabis resin as defined in that section 3 (C.24:6I-33) which is extracted for use in a cannabis item, as defined in that section, in accordance with that act.

"Hashish" means the resin extracted from any part of the plant *Cannabis sativa* L. and any compound, manufacture, salt, derivative, mixture, or preparation of such resin. "Hashish" shall not mean: hemp and hemp products cultivated, handled, processed, transported, or sold pursuant to the "New Jersey Hemp Farming Act," P.L.2019, c.238 (C.4:28-6 et al.); and cannabis resin as defined in section 3 of P.L.2021, c.16 (C.24:6I-33) which is extracted for use in a cannabis item, as defined in that section, in accordance with the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act," P.L.2021, c.16 (C.24:6I-31 et al.).

"Marihuana" means all parts of the plant *Cannabis sativa* 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. "Marihuana" shall not mean: hemp and hemp products cultivated, handled, processed, transported, or sold pursuant to the "New Jersey Hemp Farming Act," P.L.2019, c.238 (C.4:28-6 et al.); and cannabis as defined in section 3 of P.L.2021, c.16 (C.24:6I-33) which is cultivated and produced for use in a cannabis item, as defined in that section, in accordance with the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act," P.L.2021, c.16 (C.24:6I-31 et al.).

"Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a controlled dangerous substance, either directly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled dangerous sub-

stance by an individual for the individual's own use or the preparation, compounding, packaging, or labeling of a controlled dangerous substance: (1) by a practitioner as an incident to the practitioner's administering or dispensing of a controlled dangerous substance in the course of the practitioner's professional practice, or (2) by a practitioner, or under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

"Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium, coca leaves, and opiates;

(2) A compound, manufacture, salt, derivative, or preparation of opium, coca leaves, or opiates;

(3) A substance, and any compound, manufacture, salt, derivative, or preparation thereof, which is chemically identical with any of the substances referred to in (1) and (2) of this definition, except that the words "narcotic drug" as used in P.L.1970, c.226 (C.24:21-1 et seq.) shall not include decocainized coca leaves or extracts of coca leaves, which extracts do not contain cocaine or ecgonine.

"Official written order" means an order written on a form provided for that purpose by the Attorney General of the United States or his delegate, under any laws of the United States making provisions therefor, if such order forms are authorized and required by the federal law, and if no such form is provided, then on an official form provided for that purpose by the division. If authorized by the Attorney General of the United States or the division, the term shall also include an order transmitted by electronic means.

"Opiate" means any dangerous substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under section 3 of P.L.1970, c.226 (C.24:21-1 et seq.), the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

"Opium poppy" means the plant of the species *Papaver somniferum* L., except the seeds thereof.

"Person" means any corporation, association, partnership, trust, other institution or entity, or one or more individuals.

"Pharmacist" means a registered pharmacist of this State.

"Pharmacy owner" means the owner of a store or other place of business where controlled dangerous substances are compounded or dispensed by a registered pharmacist; but nothing in this chapter contained shall be construed as conferring on a person who is not registered or licensed as a pharmacist any authority, right, or privilege that is not granted to the person by the pharmacy laws of this State.

"Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

"Practitioner" means a physician, dentist, veterinarian, scientific investigator, laboratory, pharmacy, hospital, or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled dangerous substance in the course of professional practice or research in this State. As referred to in this definition:

(1) "Physician" means a physician authorized by law to practice medicine in this or any other state.

(2) "Veterinarian" means a veterinarian authorized by law to practice veterinary medicine in this State.

(3) "Dentist" means a dentist authorized by law to practice dentistry in this State.

(4) "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.

(5) "Laboratory" means a laboratory to be entrusted with the custody of narcotic drugs and the use of controlled dangerous substances for scientific, experimental, and medical purposes and for purposes of instruction approved by the Department of Health.

"Production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled dangerous substance.

"Immediate precursor" means a substance which the division has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled dangerous substance, the control of which is necessary to prevent, curtail, or limit such manufacture.

"Substance use disorder involving drugs" means taking or using a drug or controlled dangerous substance, as defined in this chapter, in association with a state of psychic or physical dependence, or both, arising from the use of that drug or controlled dangerous substance on a continuous basis. A sub-

stance use disorder is characterized by behavioral and other responses, including, but not limited to, a strong compulsion to take the substance on a recurring basis in order to experience its psychic effects, or to avoid the discomfort of its absence.

"Ultimate user" means a person who lawfully possesses a controlled dangerous substance for the person's own use or for the use of a member of the person's household or for administration to an animal owned by the person or by a member of the person's household.

44. Section 5 of P.L.1970, c.226 (C.24:21-5) is amended to read as follows:

C.24:21-5 Schedule I.

5. Schedule I.

a. Tests. The director shall place a substance in Schedule I if he finds that the substance: (1) has high potential for abuse; and (2) has no accepted medical use in treatment in the United States; or lacks accepted safety for use in treatment under medical supervision.

b. The controlled dangerous substances listed in this section are included in Schedule I, subject to any revision and republishing by the director pursuant to subsection d. of section 3 of P.L.1970, c.226 (C.24:21-3), and except to the extent provided in any other schedule.

c. Any of the following opiates, including their isomers, esters, and ethers, unless specifically excepted, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation:

- (1) Acetylmethadol
- (2) Allylprodine
- (3) Alphacetylmethadol
- (4) Alphameprodine
- (5) Alphamethadol
- (6) Benzethidine
- (7) Betacetylmethadol
- (8) Betameprodine
- (9) Betamethadol
- (10) Betaprodine
- (11) Clonitazene
- (12) Dextromoramide
- (13) Dextrorphan
- (14) Diampromide
- (15) Diethylthiambutene
- (16) Dimenoxadol

- (17) Dimepheptanol
- (18) Dimethylthiambutene
- (19) Dioxaphetyl butyrate
- (20) Dipipanone
- (21) Ethylmethylthiambutene
- (22) Etonitazene
- (23) Etoperidine
- (24) Furethidine
- (25) Hydroxypethidine
- (26) Ketobemidone
- (27) Levomoramide
- (28) Levophenacymorphan
- (29) Morpheridine
- (30) Noracymethadol
- (31) Norlevorphanol
- (32) Normethadone
- (33) Norpipanone
- (34) Phenadoxone
- (35) Phenampromide
- (36) Phenomorphan
- (37) Phenoperidine
- (38) Piritramide
- (39) Proheptazine
- (40) Properidine
- (41) Racemoramide
- (42) Trimeperidine.

d. Any of the following narcotic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

- (1) Acetorphine
- (2) Acetylcodone
- (3) Acetyldihydrocodeine
- (4) Benzylmorphine
- (5) Codeine methylbromide
- (6) Codeine-N-Oxide
- (7) Cyprenorphine
- (8) Desomorphine
- (9) Dihydromorphine
- (10) Etorphine

- (11) Heroin
- (12) Hydromorphenol
- (13) Methyldesorphine
- (14) Methylhydromorphine
- (15) Morphine methylbromide
- (16) Morphine methylsulfonate
- (17) Morphine-N-Oxide
- (18) Myrophine
- (19) Nicocodeine
- (20) Nicomorphine
- (21) Normorphine
- (22) Phoclodine
- (23) Thebacon.

e. Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) 3,4-methylenedioxy amphetamine
- (2) 5-methoxy-3,4-methylenedioxy amphetamine
- (3) 3,4,5-trimethoxy amphetamine
- (4) Bufotenine
- (5) Diethyltryptamine
- (6) Dimethyltryptamine
- (7) 4-methyl-2,5-dimethoxylamphetamine
- (8) Ibogaine
- (9) Lysergic acid diethylamide

(10) Marihuana; except that on and after the effective date of the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act," P.L.2021, c.16 (C.24:6I-31 et al.), marihuana shall no longer be included in Schedule I, and shall not be designated or rescheduled and included in any other schedule by the director pursuant to the director's designation and rescheduling authority set forth in section 3 of P.L.1970, c.226 (C.24:21-3).

- (11) Mescaline
- (12) Peyote
- (13) N-ethyl-3-piperidyl benzilate
- (14) N-methyl-3-piperidyl benzilate
- (15) Psilocybin
- (16) Psilocyn

(17) Tetrahydrocannabinols, except when found in hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the "New Jersey Hemp Farming Act," P.L.2019, c.238 (C.4:28-6 et al.), or cannabis or a cannabis item, as those terms are defined in section 3 of P.L.2021, c.16 (C.24:6I-33), that is grown, cultivated, produced, or manufactured in accordance with the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act," P.L.2021, c.16 (C.24:6I-31 et al.).

45. R.S.24:5-18 is amended to read as follows:

Drug or device misbrandings.

24:5-18. For the purposes of this subtitle a drug or device shall also be deemed to be misbranded:

- a. If its labeling is false or misleading in any particular.
- b. If in package form unless it bears a label containing the name and place of business of the manufacturer, packer, or distributor.
- c. If any word, statement or other information required by or under authority of this subtitle to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements or designs in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.
- d. If it is for use by man and contains any quantity of the narcotic or hypnotic substance alpha-eucaine, barbituric acid, beta-eucaine, bromal, cannabis other than as defined in section 3 of P.L.2021, c.16 (C.24:6I-33), carbromal, chloral, coca, cocaine, codeine, heroin, marihuana, morphine, opium, paraldehyde, peyote, or sulphonmethane; or any chemical derivative of such substance, which derivative has been by the Department of Health of the State of New Jersey after investigation found to be, and by regulations under this subtitle designated as, habit forming; unless its label bears the name and quantity or proportion of such substance, or derivative and in juxtaposition therewith, the statement "Warning--May be habit forming."
- e. If it is a drug and is not designated solely by a name recognized in an official compendium, unless its label bears (1) the common or usual name of the drug, if such there be; and (2) in case it is fabricated from 2 or more ingredients, the common or usual name of each active ingredient, including the kind and quantity or proportion of any alcohol, and also including, whether active or not, the name and quantity or proportion of any bromides, ether, chloroform, acetanilid, acetphanetidin, amidopyrine, antipyrine, atropine, hyoscine, hyoscyamine, arsenic, digitalis, digitalis glucosides, mercury,

ouabain, strophanthin, strychnine, thyroid, or any derivative or preparation of any such substances, contained therein; provided, that to the extent that compliance with the requirements of clause (2) of this paragraph is impracticable, exemptions may be established by regulations promulgated by the State department.

f. Unless its labeling bears (1) adequate directions for use; and (2) such adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner and form, as are necessary for the protection of users; provided, that where any requirement of clause (1) of this paragraph, as applied to any drug or device, is not necessary for the protection of the public health, the Department of Health of the State of New Jersey may promulgate regulations exempting such drug or device from such requirement.

g. If it purports to be a drug the name of which is recognized in an official compendium, unless it is packaged and labeled as prescribed therein; provided, that the method of packing may be modified with the consent of the State department. Whenever a drug is recognized in both the United States Pharmacopoeia and the Homeopathic Pharmacopoeia of the United States it shall be subject to the requirements of the United States Pharmacopoeia unless it is labeled and offered for sale as a homeopathic drug, in which case it shall be subject to the provisions of the Homeopathic Pharmacopoeia of the United States and not to those of the United States Pharmacopoeia.

h. If it has been found by the Department of Health of the State of New Jersey to be a drug liable to deterioration, unless it is packaged in such form and manner, and its label bears a statement of such precautions, as the Department of Health of the State of New Jersey may by regulations require as necessary for the protection of the public health. No such regulation shall be established for any drug recognized in an official compendium until the State department shall have informed the appropriate body charged with the revision of such compendium of the need for such packaging or labeling requirements and such body shall have failed within a reasonable time to prescribe such requirements.

i. (1) If it is a drug and its container is so made, formed or filled as to be misleading; or (2) if it is an imitation of another drug; or (3) if it is offered for sale under the name of another drug.

j. If it is dangerous to health when used in the dosage, or with the frequency or duration prescribed, recommended, or suggested in the labeling thereof.

k. If it is a depressant or stimulant drug as defined pursuant to law and not in the possession or control of a person specified by law as entitled to possession or control of such depressant or stimulant drug. Any depressant or stimulant drug misbranded under the preceding sentence shall be deemed dangerous or fraudulent for purposes of marking and detaining under the provisions of section 24:4-12 of this Title.

C.2C:35-10a Personal use of cannabis items.

46. Personal Use of Cannabis Items.

Notwithstanding any other provision of law, the following acts are not unlawful and shall not be an offense or a basis for seizure or forfeiture of assets under N.J.S.2C:64-1 et seq. or other applicable law for persons 21 years of age or older, provided the acts are consistent with the relevant definitions set forth in section 3 of P.L.2021, c.16 (C.24:6I-33), and when an act involves a cannabis item, it was first obtained directly from a licensed cannabis retailer or delivered by a licensed cannabis delivery service making delivery of a purchase order fulfilled by that licensed cannabis retailer for off-premises delivery, evidenced by it being in its original packaging or by a sales slip, invoice, receipt, or other statement or memorandum:

a. Possessing, displaying, purchasing, or transporting: cannabis paraphernalia; one ounce (28.35 grams) or less of usable cannabis; the equivalent of one ounce (28.35 grams) or less of usable cannabis as a cannabis product in solid, liquid, or concentrate form, based upon an equivalency calculation for different product forms set by the Cannabis Regulatory Commission, established pursuant to section 31 of P.L.2019, c.153 (C.24:6I-24), in its regulations, and for which the commission may utilize research conducted in other states on the issue of product equivalency calculations when setting this equivalency; or 5 grams (0.176 ounce) or less of cannabis resin. Possessing, displaying, purchasing, or transporting at any one time any amount of any cannabis items described herein in an amount greater than as permitted pursuant to this subsection shall be considered a violation of the “Comprehensive Drug Reform Act of 1987,” P.L.1987, c.106 (N.J.S.2C:35-1 et al.), and subject the person to prosecution as if the person possessed, displayed, purchased, or transported marijuana or hashish in violation of that act;

b. Transferring without remuneration: one ounce (28.35 grams) or less of usable cannabis; the equivalent of one ounce (28.35 grams) or less of usable cannabis as a cannabis product in solid, liquid, or concentrate form, based upon the equivalency calculation for different product forms set by the commission pursuant to subsection a. of this section; or five grams (0.176 ounce) or less of cannabis resin to a person who is of legal age for purchasing

cannabis items, provided that such transfer is for non-promotional, non-business purposes. Transferring at any one time any amount of any cannabis items described herein in an amount greater than as permitted pursuant to this subsection, or to a person who is not of legal age to purchase cannabis items, shall be considered a violation of the “Comprehensive Drug Reform Act of 1987,” P.L.1987, c.106 (N.J.S.2C:35-1 et al.), and subject the person to prosecution as if the person distributed marijuana or hashish in violation of that act, unless the transfer to a person who is not of legal age was done by a cannabis establishment licensed pursuant to P.L.2021, c.16 (C.24:6I-31 et al.), or an employee or agent thereof, in which case it is a civil violation and the civil penalty set forth in subsection b. of section 64 P.L.2021, c.16 (C.2C:35-10d) shall apply;

c. Taking delivery of or consuming a lawfully possessed cannabis item, provided that nothing in this section shall permit a person to smoke, vape, or aerosolize any cannabis item in a public place. This prohibition includes the smoking, vaping, or aerosolizing of a cannabis item in any public place pursuant to law that prohibits the smoking of tobacco, including N.J.S.2C:33-13 and the “New Jersey Smoke-Free Air Act,” P.L.2005, c.383 (C.26:3D-55 et seq.), and any indoor public place, as that term is defined in section 3 of P.L.2005, c.383 (C.26:3D-57), or portion thereof, even if the smoking of tobacco is otherwise permitted in that place or portion thereof pursuant to the “New Jersey Smoke-Free Air Act”; except that the smoking, vaping, or aerosolizing of a cannabis item shall be permitted in a cannabis consumption area as set forth in section 28 of P.L.2019, c.153 (C.24:6I-21), and may be permitted by the person or entity that owns or controls a hotel, motel, or other lodging establishment as defined in section 1 of P.L.1967, c.95 (C.29:4-5) in up to 20 percent of its guest rooms. The smoking, vaping, or aerosolizing of a cannabis item may also be prohibited or otherwise regulated in multifamily housing that is a multiple dwelling as defined in section 3 of P.L.1967, c.76 (C.55:13A-3), as decided by the person or entity that owns or controls the multifamily housing, or prohibited or otherwise regulated in the structure or specific units of the structure of a cooperative as defined in section 3 of P.L.1987, c.381 (C.46:8D-3) by the corporation or other legal entity that owns the structure, or prohibited or otherwise regulated in the units of a condominium, as those terms are defined by section 3 of P.L.1969, c.257 (C.46:8B-3), if approved by the association for the condominium and a majority of all of the condominium’s unit owners, as those terms are defined in that section. Except as otherwise provided by P.L.2021, c.16 (C.24:6I-31 et al.), any penalties that may be assessed for the smoking of tobacco where prohibited under the “New Jersey Smoke-Free Air Act” shall be applicable

to the smoking, vaping, or aerosolizing of cannabis items where prohibited. Concerning the consumption of any cannabis item, other than by smoking, vaping, or aerosolizing: a person or entity that owns or controls a property, other than multifamily housing that is a multiple dwelling as defined in section 3 of P.L.1967, c.76 (C.55:13A-3), the structure or specific units of the structure of a cooperative as defined in section 3 of P.L.1987, c.381 (C.46:8D-3), a unit of a condominium, as those terms are defined by section 3 of P.L.1969, c.257 (C.46:8B-3), or a site in a mobile home park as defined in section 3 of P.L.1983, c.386 (C.40:55D-102), which site is leased to the owner of a manufactured home, as defined in that section, that is installed thereon, may prohibit or otherwise regulate the consumption of cannabis items on or in that property, including a casino hotel facility as defined in section 19 of P.L.1977, c.110 (C.5:12-19) with respect to a hotel property, a casino as defined in section 6 of P.L.1977, c.110 (C.5:12-6), or casino simulcasting facility authorized pursuant to the "Casino Simulcasting Act," P.L.1992, c.19 (C.5:12-191 et al.); and a municipality may enact an ordinance making it an unlawful act for any person 21 years of age or older to consume, other than by smoking, vaping, or aerosolizing, any cannabis item in a public place, including any indoor public place as that term is defined in section 3 of P.L.2005, c.383 (C.26:3D-57), or portion thereof, and providing a civil penalty for a violation in accordance with section 77 of P.L.2021, c.16 (C.40:48-1.2b); and

d. Assisting another person to engage in any of the acts described in subsections a. through c. of this section, provided that the person being assisted is of legal age to purchase cannabis items and the assistance being provided is without remuneration.

C.24:6I-51 Licensee and consumer protections.

47. Licensee and Consumer Protections.

a. Except as otherwise set forth in section 48 of P.L.2021, c.16 (C.24:6I-42) with respect to employers, employment actions, and employment policies, individuals, and licensed cannabis establishments, distributors, and delivery services shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including but not limited to civil liability or disciplinary action by a business, occupational, or professional licensing board or bureau, solely for conduct permitted under P.L.2021, c.16 (C.24:6I-31 et al.).

b. The presence of cannabinoid metabolites in the bodily fluids of a person engaged in conduct permitted under P.L.2021, c.16 (C.24:6I-31 et al.):

(1) with respect to a student, tenant, or employee, other than as set forth in section 48 of P.L.2021, c.16 (C.24:6I-52), shall not form the basis for refusal to enroll or employ or lease to or otherwise penalize that person, unless failing to do so would put the school, employer, or landlord in violation of a federal contract or cause it to lose federal funding;

(2) with respect to a patient, shall not constitute the use of an illicit substance resulting in denial of medical care, including organ transplant, and a patient's use of cannabis items may only be considered with respect to evidence-based clinical criteria; and

(3) with respect to a parent or legal guardian of a child or newborn infant, or a pregnant woman, shall not form the sole or primary basis for any action or proceeding by the Division of Child Protection and Permanency, or any successor agencies; provided, however, that nothing in this paragraph shall preclude any action or proceeding by the division based on harm or risk of harm to a child or the use of information on the presence of cannabinoid metabolites in the bodily fluids of any person in any action or proceeding.

C.24:6I-52 Employers, driving, minors and control of property.

48. Employers, Driving, Minors and Control of Property.

a. (1) No employer shall refuse to hire or employ any person or shall discharge from employment or take any adverse action against any employee with respect to compensation, terms, conditions, or other privileges of employment because that person does or does not smoke, vape, aerosolize or otherwise use cannabis items, and an employee shall not be subject to any adverse action by an employer solely due to the presence of cannabinoid metabolites in the employee's bodily fluid from engaging in conduct permitted under P.L.2021, c.16 (C.24:6I-31 et al.). However, an employer may require an employee to undergo a drug test upon reasonable suspicion of an employee's usage of a cannabis item while engaged in the performance of the employee's work responsibilities, or upon finding any observable signs of intoxication related to usage of a cannabis item, or following a work-related accident subject to investigation by the employer. A drug test may also be done randomly by the employer, or as part of a pre-employment screening, or regular screening of current employees to determine use during an employee's prescribed work hours. The drug test shall include scientifically reliable objective testing methods and procedures, such as testing of blood, urine, or saliva, and a physical evaluation in order to determine an employee's state of impairment. The physical evaluation shall be conducted by an individual with the necessary certification to opine on the employee's state of impairment, or lack thereof, related to the usage of a cannabis item

in accordance with paragraph (2) of this subsection. The employer may use the results of the drug test when determining the appropriate employment action concerning the employee, including, but not limited to dismissal, suspension, demotion, or other disciplinary action.

(2) (a) In order to better ensure the protections for prospective employees and employees against refusals to hire or employ, or against being discharged or having any other adverse action taken by an employer, while simultaneously supporting the authority of employers to require employees undergo drug tests under the circumstances set forth in paragraph (1) of this subsection, as well as employer efforts to maintain a drug- and alcohol-free workplace or other drug- or alcohol workplace policy as described in paragraph (1) of subsection b. of this section, the commission, in consultation with the Police Training Commission established pursuant to section 5 of P.L.1961, c.56 (C.52:17B-70), shall prescribe standards in regulation for a Workplace Impairment Recognition Expert certification, to be issued to full- or part-time employees, or others contracted to perform services on behalf of an employer, based on education and training in detecting and identifying an employee's usage of, or impairment from, a cannabis item or other intoxicating substance, and for assisting in the investigation of workplace accidents. The commission's regulations shall also prescribe minimum curriculum courses of study for the certifications, as well as standards for the commission's approval and continuation of approval of non-profit and for-profit programs, organizations, or schools and their instructors to offer courses of study, and may include the use of a Police Training Commission approved school as that term is defined in section 2 of P.L.1961, c.56 (C.52:17B-67) if consented to by the Police Training Commission.

(b) Any person who demonstrates to the commission's satisfaction that the person has successfully completed a Drug Recognition Expert program provided by a Police Training Commission approved school, or another program or course conducted by any federal, State, or other public or private agency, the requirements of which are substantially equivalent to the requirements established by the commission pursuant to subparagraph (a) of this paragraph for a Workplace Impairment Recognition Expert certification, may, at the discretion of the commission, be issued this certification, subject to subsequent continuation of certification approval by the commission.

b. Nothing in P.L.2021, c.16 (C.24:6I-31 et al.):

(1) (a) Requires an employer to amend or repeal, or affect, restrict or preempt the rights and obligations of employers to maintain a drug- and alcohol-free workplace or require an employer to permit or accommodate the use, consumption, being under the influence, possession, transfer, display,

transportation, sale, or growth of cannabis or cannabis items in the workplace, or to affect the ability of employers to have policies prohibiting use of cannabis items or intoxication by employees during work hours;

(b) If any of the provisions set forth in this paragraph or subsection a. of this section result in a provable adverse impact on an employer subject to the requirements of a federal contract, then the employer may revise their employee prohibitions consistent with federal law, rules, and regulations;

(2) Is intended to allow driving under the influence of cannabis items or driving while impaired by cannabis items or to supersede laws related to driving under the influence of marijuana or cannabis items or driving while impaired by marijuana or cannabis items;

(3) Is intended to permit the transfer of cannabis items, with or without remuneration, to a person under 21 years of age or to allow a person under 21 years of age to purchase, possess, use, transport, grow, or consume cannabis items, unless the person is under 21 years of age, but at least 18 years of age, and an employee of a cannabis establishment, distributor, or delivery service acting in the person's employment capacity;

(4) Shall, consistent with subsection c. of section 46 of P.L.2021, c.16 (C.2C:35-10a), prohibit a person or entity that owns or controls a property from prohibiting or otherwise regulating the consumption, use, display, transfer, distribution, sale, or transportation of cannabis items on or in that property, or portion thereof, including a hotel property that is a casino hotel facility as defined in section 19 of P.L.1977, c.110 (C.5:12-19), a casino as defined in section 6 of P.L.1977, c.110 (C.5:12-6), or casino simulcasting facility authorized pursuant to the "Casino Simulcasting Act," P.L.1992, c.19 (C.5:12-191 et al.), provided that a person or entity that owns or controls multifamily housing that is a multiple dwelling as defined in section 3 of P.L.1967, c.76 (C.55:13A-3), the structure or specific units of the structure of a cooperative as defined in section 3 of P.L.1987, c.381 (C.46:8D-3), a unit of a condominium as defined in section 3 of P.L.1969, c.257 (C.46:8B-3), or a site in a mobile home park as defined in section 3 of P.L.1983, c.386 (C.40:55D-102), which site is leased to the owner of a manufactured home, as defined in that section, that is installed thereon, may only prohibit or otherwise regulate the smoking, vaping, or aerosolizing, but not other consumption, of cannabis items, and further provided that municipalities may not prohibit delivery, possession, or consumption of cannabis items by a person 21 years of age or older as permitted by section 46 of P.L.2021, c.16 (C.2C:35-10a);

(5) Is intended to permit any person to possess, consume, use, display, transfer, distribute, sell, transport, or grow or manufacture cannabis or cannabis items in a school, hospital, detention facility, adult correctional facility, or youth correctional facility;

(6) Is intended to permit the smoking, vaping, or aerosolizing of cannabis items in any place that any other law prohibits the smoking of tobacco, including N.J.S.2C:33-13 and the “New Jersey Smoke-Free Air Act,” P.L.2005, c.383 (C.26:3D-55 et seq.). Except as otherwise provided by P.L.2021, c.16 (C.24:6I-31 et al.), any fines or civil penalties that may be assessed for the smoking of tobacco in designated places shall be applicable to the smoking, vaping, or aerosolizing of cannabis items.

C.18A:61F-1 Consumption prohibited in public, private institution of higher education.

49. Consuming, including by smoking, vaping, or aerosolizing, any cannabis item available for lawful consumption pursuant to the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act,” P.L.2021, c.16 (C.24:6I-31 et al.), is prohibited in any area of any building of, on the grounds of, or in any facility owned, leased, or controlled by, any public or private institution of higher education or a related entity thereof, regardless of whether the area or facility is an indoor place or is outdoors. As used in this section “related entity” includes, but is not limited to, the foundation, auxiliary services corporation, or alumni association, or any subsidiary thereof, of an institution of higher education. Any penalties that may be assessed for the smoking of tobacco where prohibited under the “New Jersey Smoke-Free Air Act,” P.L.2005, c.383 (C.26:3D-55 et seq.), shall be applicable to the consumption of cannabis items where prohibited by this section.

C.2C:35-10b Lawful operation of cannabis establishments, distributors, and delivery services.

50. Lawful Operation of Cannabis Establishments, Distributors, and Delivery Services.

Notwithstanding any other provision of law, the following acts are not unlawful and shall not be a criminal offense or a basis for seizure or forfeiture of assets under N.J.S.2C:64-1 et seq. or other applicable law, provided the acts are undertaken by a person 21 years of age or older while acting within the scope of authority provided by a license, or are undertaken by a person 18 years of age or older while acting within the scope of authority as an employee of a licensed cannabis establishment, distributor, or delivery service, or provided by a cannabis handler certification issued pursuant P.L.2021,

c.16 (C.24:6I-31 et al.) and are consistent with the relevant definitions set forth in section 3 of P.L.2021, c.16 (C.24:6I-33):

a. manufacturing, possessing, or purchasing cannabis paraphernalia or the sale of cannabis paraphernalia to a person who is 21 years of age or older;

b. possessing, displaying, transporting, or delivering cannabis items; purchasing cannabis items from a cannabis cultivator; purchasing cannabis items from a cannabis manufacturer or wholesaler; or selling cannabis items to consumers, if the person conducting the activities described in this subsection has obtained a current, valid license to operate as a cannabis retailer or is acting in his capacity as an owner, employee, or agent of a licensed cannabis retailer;

c. cultivating, harvesting, packaging, transporting, displaying, or possessing cannabis; delivering or transferring cannabis items to a cannabis testing facility; selling cannabis items to a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer; or purchasing cannabis items from a cannabis cultivator, if the person conducting the activities described in this subsection has obtained a current, valid license to operate as a cannabis cultivator or is acting in his capacity as an owner, employee, or agent of a licensed cannabis cultivator;

d. packaging, manufacturing, transporting, displaying, or possessing cannabis items; transporting or transferring cannabis items to a cannabis testing facility; selling cannabis items to a cannabis retailer or a cannabis manufacturer; purchasing cannabis items from a cannabis cultivator; or purchasing cannabis items from a cannabis manufacturer, if the person conducting the activities described in this subsection has obtained a current, valid license to operate as a cannabis manufacturer or is acting in his capacity as an owner, employee, or agent of a licensed cannabis manufacturer;

e. possessing, cultivating, manufacturing, repackaging, storing, transporting, displaying, or transferring cannabis items if the person has obtained a current, valid license to operate a cannabis testing facility or is acting in his capacity as an owner, employee, or agent of a licensed cannabis testing facility; and

f. leasing or otherwise allowing the use of property owned, occupied, or controlled by any person, corporation, or other entity for any of the activities conducted lawfully in accordance with subsections a. through e. of this section.

C.24:6I-53 Contract enforceability.

51. Contract Enforceability.

No contract shall be unenforceable on the basis that manufacturing, distributing, dispensing, possessing, or using any cannabis item or marijuana is prohibited by federal law. No contract entered into by a licensee, its employ-

ees, or its agents as permitted pursuant to a valid license issued by the commission, or by those who allow property to be used by a licensee, its employees, or its agents as permitted pursuant to a valid license issued by the commission, shall be deemed unenforceable on the basis that the actions or conduct permitted pursuant to the license are prohibited by federal law.

C.24:6I-54 Federal and interstate relations.

52. Federal and Interstate Relations.

a. Law enforcement agencies in this State shall not cooperate with or provide assistance to the government of the United States or any agency thereof in enforcing the “Controlled Substances Act,” 21 U.S.C. s.801 et seq., solely for actions consistent with P.L.2021, c.16 (C.24:6I-31 et al.), except pursuant to a valid court order.

b. No agency or subdivision of an agency of this State may refuse to perform any duty under P.L.2021, c.16 (C.24:6I-31 et al.) on the basis that manufacturing, transporting, distributing, dispensing, delivering, possessing, or using any cannabis item or marijuana is prohibited by federal law.

c. The commission may not revoke or refuse to issue or renew a license or certification pursuant to section 20, 22, 23, 24, 25, 26, or 27 of P.L.2021, c.16 (C.24:6I-37, C.24:6I-39, C.24:6I-40, C.24:6I-41, C.24:6I-42, C.24:6I-43, or C.24:6I-44) on the basis that manufacturing, transporting, distributing, dispensing, delivering, possessing, or using any cannabis item or marijuana is prohibited by federal law.

d. Nothing in this section shall be construed to limit the authority of an agency or subdivision of any agency of this State to cooperate with or assist the government of the United States or any agency thereof, or the government of another state or agency thereof, in matters pertaining to illegal interstate trafficking of marijuana, hashish, cannabis, or cannabis items.

C.24:6I-55 Limitations.

53. Limitations.

The provisions of P.L.2021, c.16 (C.24:6I-31 et al.) concerning the development, regulation, and enforcement of activities associated with personal use cannabis, as well as acts involving personal use cannabis or cannabis items, shall not be construed:

a. To amend or affect in any way any State or federal law pertaining to employment matters;

b. To amend or affect in any way any State or federal law pertaining to landlord-tenant matters;

c. To prohibit a recipient of a federal grant or an applicant for a federal grant from prohibiting the manufacture, transportation, delivery, possession, or use of cannabis items to the extent necessary to satisfy federal requirements for the grant;

d. To prohibit a party to a federal contract or a person applying to be a party to a federal contract from prohibiting the manufacture, transport, distribution, delivery, possession, or use of cannabis items to the extent necessary to comply with the terms and conditions of the contract or to satisfy federal requirements for the contract;

e. To require a person to violate a federal law; or

f. To exempt a person from a federal law or obstruct the enforcement of a federal law.

54. 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, marijuana and hashish as defined in this section, 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., tobacco and tobacco products, or cannabis and cannabis as defined in section 3 of P.L.2021, c.16 (C.24:6I-33). 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 (1) 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 (2) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (3) substances, other than food, intended to affect the structure or any function of the body of man or other animals; and (4) substances intended for use as a component of any substance specified in (1), (2), and (3) of this definition; but does not include

devices or their components, parts, or accessories. The term "drug" also does not include: hemp and hemp products cultivated, handled, processed, transported, or sold pursuant to the "New Jersey Hemp Farming Act," P.L.2019, c.238 (C.4:28-6 et al.); cannabis as defined in section 3 of P.L.2021, c.16 (C.24:6I-31 et al.) which is cultivated and produced for use in a cannabis item, as defined in that section, in accordance with the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act," P.L.2021, c.16 (C.24:6I-31 et al.); and cannabis resin as defined in that section 3 (C.24:6I-33) which is extracted for use in a cannabis item, as defined in that section, in accordance with that act.

"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 *Cannabis sativa* L. and any compound, manufacture, salt, derivative, mixture, or preparation of such resin. "Hashish" shall not mean: hemp and hemp products cultivated, handled, processed, transported, or sold pursuant to the "New Jersey Hemp Farming Act," P.L.2019, c.238 (C.4:28-6 et al.); or cannabis resin as defined in section 3 of P.L.2021, c.16 (C.24:6I-33) which is extracted for use in a cannabis item, as defined in that section, in accordance with the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act," P.L.2021, c.16 (C.24:6I-31 et al.).

"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 *Cannabis sativa* 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. "Marijuana" shall not mean: hemp and hemp products cultivated, handled, processed, transported, or sold pursuant to the "New Jersey Hemp Farming Act," P.L.2019, c.238 (C.4:28-6 et al.); or cannabis as defined in section 3 of P.L.2021, c.16 (C.24:6I-33) which is cultivated and produced for use in a cannabis item, as defined in that section, in accordance with the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act," P.L.2021, c.16 (C.24:6I-31 et al.).

"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:

(1) Opium, coca leaves, and opiates;

(2) A compound, manufacture, salt, derivative, or preparation of opium, coca leaves, or opiates;

(3) A substance, and any compound, manufacture, salt, derivative, or preparation thereof, which is chemically identical with any of the substances referred to in (1) and (3) of this definition, 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. As used in this definition:

(1) "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.

(2) "Veterinarian" means a veterinarian authorized by law to practice veterinary medicine in this State.

(3) "Dentist" means a dentist authorized by law to practice dentistry in this State.

(4) "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.

(5) "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.

55. N.J.S.2C:35-5 is amended to read as follows:

Manufacturing, distributing or dispensing.

2C:35-5. Manufacturing, Distributing or Dispensing. a. Except as authorized by P.L.1970, c.226 (C.24:21-1 et seq.), it shall be unlawful for any person knowingly or purposely:

(1) To manufacture, distribute or dispense, or to possess or have under his control with intent to manufacture, distribute or dispense, a controlled dangerous substance or controlled substance analog; or

(2) To create, distribute, or possess or have under his control with intent to distribute, a counterfeit controlled dangerous substance.

b. Any person who violates subsection a. with respect to:

(1) Heroin, or its analog, or coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, or analogs, except that the substances shall not include decocainized coca leaves or extractions which do not contain cocaine or ecogine, or 3,4-methylenedioxymethamphetamine or 3,4-methylenedioxyamphetamine, in a quantity of five ounces or more including any adulterants or dilutants is guilty of a crime of the first degree. The defendant shall, except as provided in N.J.S.2C:35-12, be sentenced to a term of imprisonment by the court. The term of imprisonment shall include the imposition of a minimum term which shall be fixed at, or between, one-third and one-half of the

sentence imposed, during which the defendant shall be ineligible for parole. Notwithstanding the provisions of subsection a. of N.J.S.2C:43-3, a fine of up to \$500,000 may be imposed;

(2) A substance referred to in paragraph (1) of this subsection, in a quantity of one-half ounce or more but less than five ounces, including any adulterants or dilutants is guilty of a crime of the second degree;

(3) A substance referred to in paragraph (1) of this subsection in a quantity less than one-half ounce including any adulterants or dilutants is guilty of a crime of the third degree except that, notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a fine of up to \$75,000 may be imposed;

(4) A substance classified as a narcotic drug in Schedule I or II other than those specifically covered in this section, or the analog of any such substance, in a quantity of one ounce or more including any adulterants or dilutants is guilty of a crime of the second degree;

(5) A substance classified as a narcotic drug in Schedule I or II other than those specifically covered in this section, or the analog of any such substance, in a quantity of less than one ounce including any adulterants or dilutants is guilty of a crime of the third degree except that, notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a fine of up to \$75,000 may be imposed;

(6) Lysergic acid diethylamide, or its analog, in a quantity of 100 milligrams or more including any adulterants or dilutants, or phencyclidine, or its analog, in a quantity of 10 grams or more including any adulterants or dilutants, is guilty of a crime of the first degree. Except as provided in N.J.S.2C:35-12, the court shall impose a term of imprisonment which shall include the imposition of a minimum term, fixed at, or between, one-third and one-half of the sentence imposed by the court, during which the defendant shall be ineligible for parole. Notwithstanding the provisions of subsection a. of N.J.S.2C:43-3, a fine of up to \$500,000 may be imposed;

(7) Lysergic acid diethylamide, or its analog, in a quantity of less than 100 milligrams including any adulterants or dilutants, or where the amount is undetermined, or phencyclidine, or its analog, in a quantity of less than 10 grams including any adulterants or dilutants, or where the amount is undetermined, is guilty of a crime of the second degree;

(8) Methamphetamine, or its analog, or phenyl-2-propanone (P2P), in a quantity of five ounces or more including any adulterants or dilutants is guilty of a crime of the first degree. Notwithstanding the provisions of subsection a. of N.J.S.2C:43-3, a fine of up to \$300,000 may be imposed;

(9) (a) Methamphetamine, or its analog, or phenyl-2-propanone (P2P), in a quantity of one-half ounce or more but less than five ounces including any adulterants or dilutants is guilty of a crime of the second degree;

(b) Methamphetamine, or its analog, or phenyl-2-propanone (P2P), in a quantity of less than one-half ounce including any adulterants or dilutants is guilty of a crime of the third degree except that notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a fine of up to \$75,000 may be imposed;

(10) (a) Marijuana in a quantity of 25 pounds or more including any adulterants or dilutants, or 50 or more marijuana plants, regardless of weight, or hashish in a quantity of five pounds or more including any adulterants or dilutants, is guilty of a crime of the first degree. Notwithstanding the provisions of subsection a. of N.J.S.2C:43-3, a fine of up to \$300,000 may be imposed;

(b) Marijuana in a quantity of five pounds or more but less than 25 pounds including any adulterants or dilutants, or 10 or more but fewer than 50 marijuana plants, regardless of weight, or hashish in a quantity of one pound or more but less than five pounds, including any adulterants and dilutants, is guilty of a crime of the second degree;

(11) (a) Prior to the effective date of P.L.2021, c.16 (C.24:6I-31 et al.), marijuana in a quantity of one ounce or more but less than five pounds including any adulterants or dilutants, or hashish in a quantity of five grams or more but less than one pound including any adulterants or dilutants, is guilty of a crime of the third degree except that, notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a fine of up to \$25,000 may be imposed;

(b) On and after the effective date of P.L.2021, c.16 (C.24:6I-31 et al.), marijuana in a quantity of more than one ounce but less than five pounds including any adulterants or dilutants, or hashish in a quantity of more than five grams but less than one pound including any adulterants or dilutants, is guilty of a crime of the third degree except that, notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a fine of up to \$25,000 may be imposed;

(12) (a) Prior to the effective date of P.L.2021, c.16 (C.24:6I-31 et al.), marijuana in a quantity of less than one ounce including any adulterants or dilutants, or hashish in a quantity of less than five grams including any adulterants or dilutants, is guilty of a crime of the fourth degree;

(b) On and after the effective date of P.L.2021, c.16 (C.24:6I-31 et al.), marijuana in a quantity of one ounce or less including any adulterants or dilutants, or hashish in a quantity of five grams or less including any adulterants or dilutants, is, for a first offense, subject to a written warning, which also indicates that any subsequent violation is a crime punishable by a term of imprisonment, a fine, or both, and for a second or subsequent offense, is guilty of a crime of the fourth degree;

(i) The odor of marijuana or hashish, or burnt marijuana or hashish, shall not constitute reasonable articulable suspicion to initiate a search of a person

to determine a violation of subparagraph (b) of paragraph (12) of this subsection. A person who violates this subparagraph shall not be subject to arrest, detention, or otherwise be taken into custody, unless the person is being arrested, detained, or otherwise taken into custody for also committing another violation of law for which that action is legally permitted or required;

(ii) A person shall not be deprived of any legal or civil right, privilege, benefit, or opportunity provided pursuant to any law solely by reason of committing a violation of subparagraph (b) of paragraph (12) of this subsection, nor shall committing one or more violations modify any legal or civil right, privilege, benefit, or opportunity provided pursuant to any law, including, but not limited to, the granting, renewal, forfeiture, or denial of a license, permit, or certification, qualification for and the receipt, alteration, continuation, or denial of any form of financial assistance, housing assistance, or other social services, rights of or custody by a biological parent, or adoptive or foster parent, or other legal guardian of a child or newborn infant, or pregnant woman, in any action or proceeding by the Division of Child Protection and Permanency in the Department of Children and Families, or qualification, approval, or disapproval to serve as a foster parent or other legal guardian;

(iii) All local and county law enforcement authorities shall, following the submission process used for the uniform crime reporting system established by P.L.1966, c.37 (C.52:17B-5.1 et seq.), submit a quarterly report to the Uniform Crime Reporting Unit, within the Division of State Police in the Department of Law and Public Safety, or to another designated recipient determined by the Attorney General, containing the number of violations of subparagraph (b) of paragraph (12) of this subsection committed within their respective jurisdictions, plus the race, ethnicity, gender, and age of each person committing a violation, and the disposition of each person's violation. These violations and associated information, along with a quarterly summary of violations investigated, and associated information collected, by the Division of State Police for the same period shall be summarized by county and municipality in an annual report, and both quarterly summaries and annual reports shall be made available at no cost to the public on the Division of State Police's Internet website;

(13) Any other controlled dangerous substance classified in Schedule I, II, III or IV, or its analog, is guilty of a crime of the third degree, except that, notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a fine of up to \$25,000 may be imposed; or

(14) Any Schedule V substance, or its analog, is guilty of a crime of the fourth degree except that, notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a fine of up to \$25,000 may be imposed.

c. Where the degree of the offense for violation of this section depends on the quantity of the substance, the quantity involved shall be determined by the trier of fact, other than with respect to a first violation of subparagraph (b) of paragraph (12) of subsection b. of this section which is subject to a written warning as set forth in that subparagraph. Where the indictment or accusation so provides, the quantity involved in individual acts of manufacturing, distribution, dispensing or possessing with intent to distribute may be aggregated in determining the grade of the offense, whether distribution or dispensing is to the same person or several persons, provided that each individual act of manufacturing, distribution, dispensing or possession with intent to distribute was committed within the applicable statute of limitations.

56. N.J.S.2C:35-10 is amended to read as follows:

Possession, use or being under the influence, or failure to make lawful disposition.

2C:35-10. Possession, Use or Being Under the Influence, or Failure to Make Lawful Disposition.

a. It is unlawful for any person, knowingly or purposely, to obtain, or to possess, actually or constructively, a controlled dangerous substance or controlled substance analog, unless the substance was obtained directly, or pursuant to a valid prescription or order form from a practitioner, while acting in the course of his professional practice, or except as otherwise authorized by P.L.1970, c.226 (C.24:21-1 et seq.). Any person who violates this section with respect to:

(1) A controlled dangerous substance, or its analog, classified in Schedule I, II, III or IV other than those specifically covered in this section, is guilty of a crime of the third degree except that, notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a fine of up to \$35,000 may be imposed;

(2) Any controlled dangerous substance, or its analog, classified in Schedule V, is guilty of a crime of the fourth degree except that, notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a fine of up to \$15,000 may be imposed;

(3) (a) Prior to the effective date of P.L.2021, c.16 (C.24:6I-31 et al.), possession of more than 50 grams of marijuana, including any adulterants or dilutants, or more than five grams of hashish is guilty of a crime of the fourth degree, except that, notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a fine of up to \$25,000 may be imposed;

(b) On and after to the effective date of P.L.2021, c.16 (C.24:6I-31 et al.), possession of more than six ounces of marijuana, including any adulterants or dilutants, or more than 17 grams of hashish is guilty of a crime of the

fourth degree, except that, notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a fine of up to \$25,000 may be imposed;

(i) The odor of marijuana or hashish, or burnt marijuana or hashish, shall not constitute reasonable articulable suspicion to initiate a search of a person to determine a violation of subparagraph (b) of paragraph (3) of this subsection. A person who violates this paragraph shall not be subject to arrest, detention, or otherwise be taken into custody, unless the person is being arrested, detained, or otherwise taken into custody for also committing another violation of law for which that action is legally permitted or required;

(ii) A person shall not be deprived of any legal or civil right, privilege, benefit, or opportunity provided pursuant to any law solely by reason of committing a violation of subparagraph (b) of paragraph (3) of this subsection, nor shall committing one or more violations modify any legal or civil right, privilege, benefit, or opportunity provided pursuant to any law, including, but not limited to, the granting, renewal, forfeiture, or denial of a license, permit, or certification, qualification for and the receipt, alteration, continuation, or denial of any form of financial assistance, housing assistance, or other social services, rights of or custody by a biological parent, or adoptive or foster parent, or other legal guardian of a child or newborn infant, or pregnant woman, in any action or proceeding by the Division of Child Protection and Permanency in the Department of Children and Families, or qualification, approval, or disapproval to serve as a foster parent or other legal guardian;

(iii) All local and county law enforcement authorities shall, following the submission process used for the uniform crime reporting system established by P.L.1966, c.37 (C.52:17B-5.1 et seq.), submit a quarterly report to the Uniform Crime Reporting Unit, within the Division of State Police in the Department of Law and Public Safety, or to another designated recipient determined by the Attorney General, containing the number of violations of subparagraph (b) of paragraph (3) of this subsection committed within their respective jurisdictions, plus the race, ethnicity, gender, and age of each person committing a violation, and the disposition of each person's violation. These violations and associated information, along with a quarterly summary of violations investigated, and associated information collected, by the Division of State Police for the same period shall be summarized by county and municipality in an annual report, and both quarterly summaries and annual reports shall be made available at no cost to the public on the Division of State Police's Internet website; or

(4) (a) Prior to the effective date of P.L.2021, c.16 (C.24:6I-31 et al.), possession of 50 grams or less of marijuana, including any adulterants or dilutants, or five grams or less of hashish is a disorderly person;

(b) On and after the effective date of P.L. 2021, c.16 (C.24:6I-31 et al.), possession of six ounces or less of marijuana, including any adulterants or dilutants, or 17 grams or less of hashish is not subject to any punishment, as this possession is not a crime, offense, act of delinquency, or civil violation of law; or

(5) Possession of one ounce or less of psilocybin is a disorderly persons offense.

Any person who commits any offense set forth in paragraphs (1) through (3) of this subsection while on any property used for school purposes which is owned by or leased to any elementary or secondary school or school board, or within 1,000 feet of any such school property or a school bus, or while on any school bus, and who is not sentenced to a term of imprisonment, shall, in addition to any other sentence which the court may impose, be required to perform not less than 100 hours of community service.

b. (1) Any person who uses or who is under the influence of any controlled dangerous substance, or its analog, not including marijuana or hashish, for a purpose other than the treatment of sickness or injury as lawfully prescribed or administered by a physician is a disorderly person.

In a prosecution under this subsection, it shall not be necessary for the State to prove that the accused did use or was under the influence of any specific, prohibited drug, but it shall be sufficient for a conviction under this subsection for the State to prove that the accused did use or was under the influence of some prohibited controlled dangerous substance, counterfeit controlled dangerous substance, or controlled substance analog, by proving that the accused did manifest physical and physiological symptoms or reactions caused by the use of any prohibited controlled dangerous substance or controlled substance analog.

(2) Notwithstanding that using or being under the influence of marijuana or hashish is not a punishable crime, offense, act of delinquency, or civil violation pursuant to this subsection, the smoking, vaping, or aerosolizing of marijuana or hashish may be prohibited or otherwise regulated on or in any property by the person or entity that owns or controls that property, including multifamily housing that is a multiple dwelling as defined in section 3 of P.L.1967, c.76 (C.55:13A-3), the structure or specific units of the structure of a cooperative as defined in section 3 of P.L.1987, c.381 (C.46:8D-3), the units of a condominium, as those terms are defined by section 3 of P.L.1969, c.257 (C.46:8B-3), or a site in a mobile home park as defined in section 3 of P.L.1983, c.386 (C.40:55D-102), which site is leased to the owner of a manufactured home, as defined in that section, that is installed thereon.

c. Any person who knowingly obtains or possesses a controlled dangerous substance or controlled substance analog in violation of paragraph (1) or (2) of subsection a. of this section and who fails to voluntarily deliver the substance to the nearest law enforcement officer is guilty of a disorderly persons offense. Nothing in this subsection shall be construed to preclude a prosecution or conviction for any other offense defined in this title or any other statute.

57. N.J.S 2C:36-1 is amended to read as follows:

Drug paraphernalia, defined; determination.

2C:36-1. Drug paraphernalia, defined; determination.

a. As used in this act, "drug paraphernalia" means all equipment, products and materials of any kind which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, ingesting, inhaling, or otherwise introducing into the human body a controlled dangerous substance, controlled substance analog or toxic chemical, other than marijuana or hashish, in violation of the provisions of chapter 35 of this title. It shall include, but not be limited to:

(1) kits used or intended for use in planting, propagating, cultivating, growing or harvesting of any species of plant, other than the plant *Cannabis sativa* L., which is a controlled dangerous substance or from which a controlled dangerous substance can be derived;

(2) kits used or intended for use in manufacturing, compounding, converting, producing, processing, or preparing controlled dangerous substances or controlled substance analogs;

(3) isomerization devices used or intended for use in increasing the potency of any species of plant, other than the plant *Cannabis sativa* L., which is a controlled dangerous substance;

(4) testing equipment used or intended for use identifying, or in analyzing the strength, effectiveness or purity of controlled dangerous substances or controlled substance analogs;

(5) scales and balances used or intended for use in weighing or measuring controlled dangerous substances or controlled substance analogs;

(6) dilutants and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used or intended for use in cutting controlled dangerous substances or controlled substance analogs;

(7) blenders, bowls, containers, spoons and mixing devices used or intended for use in compounding controlled dangerous substances or controlled substance analogs;

(8) capsules, balloons, envelopes and other containers used or intended for use in packaging small quantities of controlled dangerous substances or controlled substance analogs;

(9) containers and other objects used or intended for use in storing or concealing controlled dangerous substances, controlled substance analogs or toxic chemicals;

(10) objects used or intended for use in ingesting, inhaling, or otherwise introducing cocaine, nitrous oxide or the fumes of a toxic chemical into the human body, such as (a) metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, or punctured metal bowls; (b) water pipes; (c) carburetion tubes and devices; (d) smoking and carburetion masks; (e) roach clips, meaning objects used to hold burning material that has become too small or too short to be held in the hand; (f) miniature cocaine spoons, and cocaine vials; (g) chamber pipes; (h) carburetor pipes; (i) electric pipes; (j) air-driven pipes; (k) chillums; (l) bongs; (m) ice pipes or chillers; (n) compressed gas containers, such as tanks, cartridges or canisters, that contain food grade or pharmaceutical grade nitrous oxide as a principal ingredient; (o) chargers or charging bottles, meaning metal, ceramic or plastic devices that contain an interior pin that may be used to expel compressed gas from a cartridge or canister; and (p) tubes, balloons, bags, fabrics, bottles or other containers used to concentrate or hold in suspension a toxic chemical or the fumes of a toxic chemical.

b. In determining whether or not an object is drug paraphernalia, the trier of fact, in addition to or as part of the proofs, may consider the following factors:

(1) (a) statements by an owner or by anyone in control of the object concerning its use;

(b) the proximity of the object to illegally possessed controlled dangerous substances, controlled substance analogs or toxic chemicals;

(c) the existence of any residue of illegally possessed controlled dangerous substances, controlled substance analogs or toxic chemicals on the object;

(d) direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows intend to use the object to facilitate a violation of this act; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this act shall not prevent a finding that the object is intended for use as drug paraphernalia;

(e) instructions, oral or written, provided with the object concerning its use;

(f) descriptive materials accompanying the object which explain or depict its use;

(g) national or local advertising whose purpose the person knows or should know is to promote the sale of objects intended for use as drug paraphernalia;

- (h) the manner in which the object is displayed for sale;
- (i) the existence and scope of legitimate uses for the object in the community; and
- (j) expert testimony concerning its use.

(2) If an object appears to be for use, intended for use, or designed for use with cannabis or cannabis items in accordance with the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act,” P.L.2021, c.16 (C.24:6I-31 et al.), the object is presumed to be a lawful cannabis paraphernalia as defined in section 3 of that act (C.24:6I-33), and does not alone constitute reasonable articulable suspicion that the object is a drug paraphernalia, notwithstanding that the object could also be used with an illegal controlled substance or controlled substance analog, unless the owner or any other person in proximity to or in control of the object was in possession of an illegal controlled dangerous substance or controlled substance analog, or the object was in proximity of an illegally possessed controlled dangerous substance or controlled substance analog to indicate its use, intended use, or design for use with that controlled dangerous substance or controlled substance analog.

58. N.J.S.2C:36-2 is amended to read as follows:

Use or possession with intent to use.

2C:36-2. a. Use or possession with intent to use, disorderly persons offense. It shall be unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, ingest, inhale, or otherwise introduce into the human body a controlled dangerous substance, controlled substance analog or toxic chemical in violation of the provisions of chapter 35 of this title, other than when used, or possessed with intent to use, for ingesting, inhaling, or otherwise introducing marijuana or hashish into the human body. Any person who violates this section is guilty of a disorderly persons offense.

b. Notwithstanding that using or possessing with intent to use drug paraphernalia to ingest, inhale, or otherwise introduce marijuana or hashish into the human body is not a punishable crime, offense, act of delinquency, or civil violation pursuant to this section, the use of drug paraphernalia for that purpose may be prohibited or otherwise regulated on or in any property by the person or entity that owns or controls that property, including multifamily housing that is a multiple dwelling as defined in section 3 of P.L.1967, c.76 (C.55:13A-3), the structure or specific units of the structure of a cooperative

as defined in section 3 of P.L.1987, c.381 (C.46:8D-3), the units of a condominium, as those terms are defined by section 3 of P.L.1969, c.257 (C.46:8B-3), or a site in a mobile home park as defined in section 3 of P.L.1983, c.386 (C.40:55D-102), which site is leased to the owner of a manufactured home, as defined in that section, that is installed thereon.

C.2C:35-23.1 Certain crimes not to be pursued; dismissal.

59. a. Except to the extent required to dismiss, withdraw, or terminate the charge, no prosecutor shall pursue any charge, including any charge of delinquency, based on crimes or offenses pending with a court on the first day of the fifth month next following the effective date of P.L.2021, c.16 (C.24:6I-31 et al.) that occurred prior to that effective date, involving manufacturing, distributing, or dispensing, or possessing or having under control with intent to manufacture, distribute, or dispense, marijuana or hashish in violation of paragraph (12) of subsection b. of N.J.S.2C:35-5, or obtaining, possessing, using, being under the influence of, or failing to make lawful disposition of marijuana or hashish in violation of paragraph (3) or (4) of subsection a., or subsection b., or subsection c. of N.J.S.2C:35-10, or a violation involving marijuana or hashish as described herein and a violation of N.J.S.2C:36-2 for using or possessing with intent to use drug paraphernalia with that marijuana or hashish, alone or in combination with each other, or a violation involving marijuana or hashish and a violation of section 1 of P.L.1964, c.289 (C.39:4-49.1) for possession of a controlled dangerous substance while operating a motor vehicle, alone or in combination with each other, or any disorderly persons offense or petty disorderly persons offense subject to conditional discharge pursuant to N.J.S.2C:36A-1. These non-prosecutable charges and cases shall be expeditiously dismissed, which may be accomplished by appropriate action by the prosecutor based upon guidelines issued by the Attorney General, or the court's own motion based upon administrative directives issued by the Administrative Director of the Courts.

b. (1) On the first day of the fifth month next following the effective date of P.L.2021, c.16 (C.24:6I-31 et al.), any guilty verdict, plea, placement in a diversionary program, or other entry of guilt on a matter that was entered prior to that effective date, but the judgment of conviction or final disposition on the matter was not entered prior to that date, and the guilty verdict, plea, placement in a diversionary program, or other entry of guilt solely involved one or more crimes or offenses, or delinquent acts which if committed by an adult would constitute one or more crimes or offenses, enumerated in subsection a. of this section, that guilty verdict, plea, placement in a diversionary program, or other entry of guilt shall be vacated by operation of law. The Administrative Director

of the Courts, in consultation with the Attorney General, may take any administrative action as may be necessary to vacate the guilty verdict, plea, placement in a diversionary program, or other entry of guilt.

(2) On the first day of the fifth month next following the effective date of P.L.2021, c.16 (C.24:6I-31 et al.), any conviction, remaining sentence, ongoing supervision, or unpaid court-ordered financial assessment as defined in section 8 of P.L.2017, c.244 (C.2C:52-23.1) of any person who, on that effective date, is or will be serving a sentence of incarceration, probation, parole or other form of community supervision as a result of the person's conviction or adjudication of delinquency solely for one or more crimes or offenses, or delinquent acts which if committed by an adult would constitute one or more crimes or offenses, enumerated in subsection a. of this section, shall have the conviction, remaining sentence, ongoing supervision, or unpaid court-ordered financial assessment vacated by operation of law. The Administrative Director of the Courts, in consultation with the Attorney General, may take any administrative action as may be necessary to vacate the conviction, remaining sentence, ongoing supervision, or unpaid court-ordered financial assessment.

C.2C:52-6.1 Certain cases involving delinquency vacated.

60. On the first day of the fifth month next following the effective date of P.L.2021, c.16 (C.24:6I-31 et al.), any case that, prior to that effective date, includes a conviction or adjudication of delinquency solely for one or more crimes or offenses involving manufacturing, distributing, or dispensing, or possessing or having under control with intent to manufacture, distribute, or dispense, marijuana or hashish in violation of paragraph (12) of subsection b. of N.J.S.2C:35-5, or obtaining, possessing, using, being under the influence of, or failing to make lawful disposition of marijuana or hashish in violation of paragraph (3) or (4) of subsection a., or subsection b., or subsection c. of N.J.S.2C:35-10, or a violation involving marijuana or hashish as described herein and a violation of N.J.S.2C:36-2 for using or possessing with intent to use drug paraphernalia with that marijuana or hashish, alone or in combination with each other, or any disorderly persons offense or petty disorderly persons offense subject to conditional discharge pursuant to N.J.S.2C:36A-1, shall be expunged by operation of law, and any remaining sentence, ongoing supervision, or unpaid court-ordered financial assessment as defined in section 8 of P.L.2017, c.244 (C.2C:52-23.1) shall be vacated by operation of law. The Administrative Director of the Courts, in consultation with the Attorney General, may take any administrative action as may be

necessary to expeditiously effectuate the expungement of records associated with any expunged matter.

C.2C:35-10c Criminal investigation.

61. Criminal Investigation.

None of the following shall, individually or collectively, constitute reasonable articulable suspicion of a crime, unless on property used for school purposes which is owned by a school or school board, or at any detention facility, adult correctional facility, or youth correction facility:

- a. The odor of cannabis or burnt cannabis;
- b. The possession of or the suspicion of possession of marijuana or hashish without evidence of quantity in excess of any amount that would exceed the amount of cannabis items which may be lawfully possessed pursuant to section 46 of P.L.2021, c.16 (C.2C:35-10a); or
- c. The possession of marijuana or hashish without evidence of quantity in excess of any amount that would exceed the amount of cannabis items which may be lawfully possessed pursuant to section 46 of P.L.2021, c.16 (C.2C:35-10a), in proximity to any amount of cash or currency.

62. N.J.S.2C:35-16 is amended to read as follows:

Forfeiture or postponement of driving privileges.

2C:35-16. a. In addition to any disposition authorized by this title, the provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), or any other statute indicating the dispositions that can be ordered for an adjudication of delinquency, and notwithstanding the provisions of subsection c. of N.J.S.2C:43-2, a person convicted of or adjudicated delinquent for a violation of any offense defined in this chapter or chapter 36 of this title shall forthwith forfeit his right to operate a motor vehicle over the highways of this State for a period to be fixed by the court at not less than six months or more than two years which shall commence on the day the sentence is imposed unless the court finds compelling circumstances warranting an exception or except as provided in subsection e. of this section. For the purposes of this section, compelling circumstances warranting an exception exist if the forfeiture of the person's right to operate a motor vehicle over the highways of this State will result in extreme hardship and alternative means of transportation are not available. In the case of a person who at the time of the imposition of sentence is less than 17 years of age, the period of any suspension of driving privileges authorized herein, including a suspension of the privilege of oper-

ating a motorized bicycle, shall commence on the day the sentence is imposed and shall run for a period as fixed by the court of not less than six months or more than two years after the day the person reaches the age of 17 years. If the driving privilege of any person is under revocation, suspension, or postponement for a violation of any provision of this title or Title 39 of the Revised Statutes at the time of any conviction or adjudication of delinquency for a violation of any offense defined in this chapter or chapter 36 of this title, any revocation, suspension, or postponement period imposed herein shall commence as of the date of termination of the existing revocation, suspension, or postponement.

b. If forfeiture or postponement of driving privileges is ordered by the court pursuant to subsection a. of this section, the court shall collect forthwith the New Jersey driver's license or licenses of the person and forward such license or licenses to the Chief Administrator of the New Jersey Motor Vehicle Commission along with a report indicating the first and last day of the suspension or postponement period imposed by the court pursuant to this section. If the court is for any reason unable to collect the license or licenses of the person, the court shall cause a report of the conviction or adjudication of delinquency to be filed with the Chief Administrator. That report shall include the complete name, address, date of birth, eye color, and sex of the person and shall indicate the first and last day of the suspension or postponement period imposed by the court pursuant to this section. The court shall inform the person orally and in writing that if the person is convicted of personally operating a motor vehicle during the period of license suspension or postponement imposed pursuant to this section, the person shall, upon conviction, be subject to the penalties set forth in R.S.39:3-40. A person shall be required to acknowledge receipt of the written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of a written notice shall not be a defense to a subsequent charge of a violation of R.S.39:3-40. If the person is the holder of a driver's license from another jurisdiction, the court shall not collect the license but shall notify forthwith the Chief Administrator who shall notify the appropriate officials in the licensing jurisdiction. The court shall, however, in accordance with the provisions of this section, revoke the person's non-resident driving privilege in this State.

c. In addition to any other condition imposed, a court may in its discretion suspend, revoke or postpone in accordance with the provisions of this section the driving privileges of a person admitted to supervisory treatment under N.J.S.2C:36A-1 or N.J.S.2C:43-12 without a plea of guilty or finding of guilt.

d. After sentencing and upon notice to the prosecutor, a person subject to suspension or postponement of driving privileges under this section may

seek revocation of the remaining portion of any suspension or postponement based on compelling circumstances warranting an exception that were not raised at the time of sentencing. The court may revoke the suspension or postponement if it finds compelling circumstances.

e. Provided that the person was not convicted of or adjudicated delinquent for a violation of any offense defined in this chapter or chapter 36 of this Title other than those enumerated in this subsection, the forfeiture or postponement of driving privileges set forth in subsection a. of this section shall not apply to any person convicted of or adjudicated delinquent for an offense which if committed by an adult would constitute: distribution of, or possessing or having under control with intent to distribute, marijuana or hashish in violation of paragraph (11) of subsection b. of N.J.S.2C:35-5, or a lesser amount of marijuana or hashish in violation of paragraph (12) of subsection b. that section, or a violation of either of those paragraphs based on an amount of marijuana or hashish described herein and a violation of subsection a. of section 1 of P.L.1987, c.101 (C.2C:35-7) or subsection a. of section 1 of P.L.1997, c.327 (C.2C:35-7.1) for distributing, or possessing or having under control with intent to distribute, on or within 1,000 feet of any school property, or on or within 500 feet of the real property comprising a public housing facility, public park, or public building;

or possession of marijuana or hashish in violation of paragraph (3) of subsection a. of N.J.S.2C:35-10.

63. N.J.S.2B:12-31 is amended to read as follows:

Suspension of driving privileges.

2B:12-31. Suspension of driving privileges.

a. (1) If a defendant charged with a disorderly persons offense, a petty disorderly persons offense, a violation of a municipal ordinance, or a violation of any other law of this State for which a penalty may be imposed fails to appear at any scheduled court proceeding after written notice has been given to said defendant pursuant to the Rules of Court, a municipal court may order the suspension of the person's driving privileges or nonresident reciprocity privilege or prohibit the person from receiving or obtaining driving privileges until the pending matter is adjudicated or otherwise disposed of, except by dismissal for failure of defendant to appear.

(2) If a defendant sentenced to pay a fine or costs, make restitution, perform community service, serve a term of probation, or do any other act as a condition of that sentence fails to do so, a municipal court may order the suspension of the person's driving privileges or nonresident reciprocity privilege

or prohibit the person from receiving or obtaining driving privileges until the terms and conditions of the sentence have been performed or modified.

b. Prior to any action being taken pursuant to the provisions of this section, the defendant shall be given notice of the proposed action and afforded an opportunity to appear before the court to contest the validity of the proposed action.

c. The municipal court shall notify the New Jersey Motor Vehicle Commission of any action taken pursuant to the provisions of this section.

d. Any action taken by a municipal court pursuant to this section shall be in addition to any other remedies which are available to the court and in addition to any other penalties which may be imposed by the court.

e. (1) When a defendant whose license has been suspended pursuant to subsection a. of this section satisfies the requirements of that subsection, the municipal court shall forward to the New Jersey Motor Vehicle Commission a notice to restore the defendant's driving privileges.

(2) There shall be included in the fines and penalties imposed by a court on a defendant whose license has been suspended pursuant to subsection a. of this section, the following:

(a) A fee of \$3.00 which shall be transferred to the New Jersey Motor Vehicle Commission;

(b) A penalty of \$10.00 for the issuance of the failure to appear notice; and

(c) A penalty of \$15.00 for the order of suspension of defendant's driving privileges.

C.2C:35-10d Prohibition of persons under the legal age purchasing cannabis or cannabis resin.

64. Prohibition of Persons Under the Legal Age Purchasing Cannabis or Cannabis Resin.

Consistent with the relevant definitions set forth in section 3 of P.L.2021, c.16 (C.24:6I-33):

a. A cannabis establishment licensee, cannabis distributor licensee, or cannabis delivery service licensee, either directly or indirectly by an agent or employee, shall not sell, offer for sale, distribute for commercial purpose at no cost or minimal cost, or give or furnish for consumption, any cannabis items to a person under 21 years of age.

b. Any licensee or employee or agent of a licensee who allows a person under the age of 21 to procure cannabis items which, pursuant to section 46 of P.L.2021, c.16 (C.2C:35-10a) are not unlawful for persons 21 years of age or older to procure for personal use, shall be subject to a civil penalty of not less than \$250 for the first violation; \$500 for the second violation; and

\$1,000 for the third and each subsequent violation; in addition, subject to a hearing, a licensee's license may be revoked, suspended, or otherwise limited. The penalties provided for in this subsection shall be recovered by a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

c. The establishment of all of the following facts by a licensee, employee, or agent, allowing any such person under the age of 21 to procure cannabis items shall constitute a defense to any violation of the provisions of subsection a. or b. of this section:

(1) That the purchaser of the cannabis item falsely represented that the purchaser was of legal age to make the purchase, by producing a government-issued identification card as set forth in subparagraph (a) of paragraph (6) of subsection a. of section 18 of P.L.2021, c.16 (C.24:6I-35) to determine the consumer's identity and age; and

(2) That the sale or distribution was made in good faith, relying upon the production of the identification in paragraph (1) of this subsection and in the reasonable belief that the purchaser or recipient was actually of legal age to make the purchase.

d. It shall be unlawful for a person under the age of 21 to purchase, acquire, or attempt to purchase or acquire a cannabis item, even if the cannabis item may be legally purchased by persons at or above the legal age for purchasing cannabis items.

For purposes of this subsection, purchasing a cannabis item includes accepting a cannabis item, and acquiring a cannabis item includes consuming a cannabis item.

e. It shall be unlawful for a person under the age of 21 to present or offer to a cannabis establishment, distributor, or delivery service, or the cannabis establishment's, distributor's, or delivery service's agent or employee, any written or oral evidence of age or other personal identifying information that is false, fraudulent, or not actually the person's own, including the use of a driver's license or other government-issued form of identification in violation of section 1 of P.L.1983, c.565 (C.2C:21-2.1), N.J.S.2C:21-17, section 5 of P.L.2003, c.184 (C.2C:21-17.2), or section 6 of P.L.1968, c.313 (C.33:1-81.7), for the purpose of:

(1) Purchasing, attempting to purchase, or otherwise procuring or attempting to procure cannabis items; or

(2) Gaining access to a cannabis establishment's, distributor's, or delivery service's premises.

f. Except as permitted by the commission by rule or regulation, or as necessary on an emergency basis, a person under legal age for purchasing

cannabis items may not enter or attempt to enter any portion of a licensed premises that is posted or otherwise identified as being prohibited to the use of persons under legal age for purchasing cannabis items, unless accompanied by and supervised by a parent or legal guardian.

g. Any person under the legal age to purchase cannabis, who knowingly possesses without legal authority or who knowingly consumes any cannabis item, in any school, public conveyance, public place, place of public assembly, or motor vehicle, shall be guilty of an offense as set forth in section 1 of P.L.1979, c.264 (C.2C:33-15). Any person under the legal age to purchase cannabis, who knowingly possesses without legal authority or who knowingly consumes, any cannabis item on private property shall be guilty of a municipal violation as set forth in section 1 of P.L.2000, c.33 (C.40:48-1.2).

h. The prohibitions of this section do not apply to a person under the legal age for purchasing cannabis items who is acting under the direction of the commission or under the direction of State or local law enforcement agencies for the purpose of investigating possible violations of the laws prohibiting the sale of cannabis items to persons who are under the legal age for purchasing cannabis items.

i. The prohibitions of this section do not apply to a person under the legal age for purchasing cannabis items who is acting under the direction of a licensee for the purpose of investigating possible violations by employees of the licensee of laws prohibiting sales of cannabis items to persons who are under the legal age for purchasing cannabis items.

65. Section 1 of P.L.1983, c.565 (C.2C:21-2.1) is amended to read as follows:

C.2C:21-2.1 Offenses involving false government documents.

1. a. A person who knowingly sells, offers or exposes for sale, or otherwise transfers, or possesses with the intent to sell, offer or expose for sale, or otherwise transfer, a document, printed form or other writing which falsely purports to be a driver's license, birth certificate or other document issued by a governmental agency and which could be used as a means of verifying a person's identity or age or any other personal identifying information is guilty of a crime of the second degree.

b. A person who knowingly makes, or possesses devices or materials to make, a document or other writing which falsely purports to be a driver's license, birth certificate or other document issued by a governmental agency and which could be used as a means of verifying a person's identity or age or any other personal identifying information is guilty of a crime of the second degree.

c. A person who knowingly exhibits, displays or utters a document or other writing which falsely purports to be a driver's license, birth certificate or other document issued by a governmental agency and which could be used as a means of verifying a person's identity or age or any other personal identifying information is guilty of a crime of the third degree. A violation of N.J.S.2C:28-7, constituting a disorderly persons offense, section 1 of P.L.1979, c.264 (C.2C:33-15), R.S.33:1-81 or section 6 of P.L.1968, c.313 (C.33:1-81.7) in a case where the person uses the personal identifying information of another to illegally purchase an alcoholic beverage or for using the personal identifying information of another to misrepresent the person's age for the purpose of obtaining tobacco or other consumer product denied to persons under 21 years of age shall not, except as otherwise set forth in this subsection, constitute an offense under this subsection if the actor received only that benefit or service and did not perpetrate or attempt to perpetrate any additional injury or fraud on another. If a person used the personal identifying information of another to misrepresent the person's age for the purpose of illegally obtaining any cannabis item available for lawful consumption pursuant to the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act," P.L.2021, c.16 (C.24:6I-31 et al.), the person shall be subject to a civil penalty of \$50. The civil penalty provided for in this subsection shall be collected pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary proceeding before the municipal court having jurisdiction. A civil penalty recovered under the provisions of this subsection shall be recovered by and in the name of the State by the local municipality. The penalty shall be paid into the treasury of the municipality in which the violation occurred for the general use of the municipality.

d. A person who knowingly possesses a document or other writing which falsely purports to be a driver's license, birth certificate or other document issued by a governmental agency and which could be used as a means of verifying a person's identity or age or any other personal identifying information is guilty of a crime of the fourth degree. A violation of N.J.S.2C:28-7, constituting a disorderly persons offense, section 1 of P.L.1979, c.264 (C.2C:33-15), R.S.33:1-81 or section 6 of P.L.1968, c.313 (C.33:1-81.7) in a case where the person uses the personal identifying information of another to illegally purchase an alcoholic beverage or for using the personal identifying information of another to misrepresent his age for the purpose of obtaining tobacco or other consumer product denied to persons under 21 years of age shall not, except as otherwise set forth in this subsection, constitute an offense under this subsection if the actor received only that benefit or service and did not perpetrate or attempt to perpetrate any additional injury or fraud on another. If the personal

identifying information of another is used to obtain any cannabis item available for lawful consumption pursuant to the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act,” P.L.2021, c.16 (C.24:6I-31 et al.), the person shall be subject to a civil penalty of \$50. The penalty provided for in this subsection shall be collected pursuant to the “Penalty Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary proceeding before the municipal court having jurisdiction. A penalty recovered under the provisions of this subsection shall be recovered by and in the name of the State by the local municipality. The penalty shall be paid into the treasury of the municipality in which the violation occurred for the general use of the municipality.

e. In addition to any other disposition authorized by this Title, the provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), or any other statute indicating the dispositions that may be ordered for an adjudication of delinquency, and, notwithstanding the provisions of subsection c. of N.J.S.2C:43-2, every person convicted of, or adjudicated delinquent or penalized for a violation of any offense defined in this section shall forthwith forfeit his right to operate a motor vehicle over the highways of this State for a period to be fixed by the court at not less than six months or more than two years which shall commence on the day the sentence is imposed. In the case of any person who at the time of the imposition of the sentence is less than 17 years of age, the period of the suspension of driving privileges authorized herein, including a suspension of the privilege of operating a motorized bicycle, shall commence on the day the sentence is imposed and shall run for a period as fixed by the court of not less than six months or more than two years after the day the person reaches the age of 17 years. If the driving privilege of any person is under revocation, suspension, or postponement for a violation of any provision of this Title or Title 39 of the Revised Statutes at the time of any conviction or adjudication of delinquency for a violation of any offense defined in this chapter or chapter 36 of this Title, the revocation, suspension, or postponement period imposed herein shall commence as of the date of termination of the existing revocation, suspension or postponement.

The court before whom any person is convicted of, or adjudicated delinquent or penalized for a violation of any offense defined in this section shall collect forthwith the New Jersey driver's license or licenses of that person and forward the license or licenses to the Chief Administrator of the New Jersey Motor Vehicle Commission along with a report indicating the first and last day of the suspension or postponement period imposed by the court pursuant to this section. If the court is for any reason unable to collect the license or licenses of the person, the court shall cause a report of the conviction or

adjudication of delinquency to be filed with the director. The report shall include the complete name, address, date of birth, eye color and sex of the person and shall indicate the first and last day of the suspension or postponement period imposed by the court pursuant to this section. The court shall inform the person orally and in writing that if the person is convicted of personally operating a motor vehicle during the period of license suspension or postponement imposed pursuant to this section, the person shall, upon conviction, be subject to the penalties set forth in R.S.39:3-40. A person shall be required to acknowledge receipt of the written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of a written notice shall not be a defense to a subsequent charge of a violation of R.S.39:3-40. If the person is the holder of a driver's license from another jurisdiction, the court shall not collect the license, but shall notify forthwith the director who shall notify the appropriate officials in that licensing jurisdiction. The court shall, however, in accordance with the provisions of this section, revoke the person's non-resident driving privileges in this State.

In addition to any other condition imposed, a court, in its discretion, may suspend, revoke or postpone the driving privileges of a person admitted to supervisory treatment under N.J.S.2C:36A-1 or N.J.S.2C:43-12 without a plea of guilty or finding of guilt.

66. N.J.S.2C:21-17 is amended to read as follows:

Impersonation; theft of identity; crime.

2C:21-17. Impersonation; Theft of identity; crime.

a. A person is guilty of a crime if the person engages in one or more of the following actions by any means including, but not limited to, the use of electronic communications or an Internet website:

(1) Impersonates another or assumes a false identity and does an act in such assumed character or false identity for the purpose of obtaining a benefit for himself or another or to injure or defraud another;

(2) Pretends to be a representative of some person or organization and does an act in such pretended capacity for the purpose of obtaining a benefit for himself or another or to injure or defraud another;

(3) Impersonates another, assumes a false identity or makes a false or misleading statement regarding the identity of any person, in an oral or written application for services, for the purpose of obtaining services;

(4) Obtains any personal identifying information pertaining to another person and uses that information, or assists another person in using the information, in order to assume the identity of or represent himself as another

person, without that person's authorization and with the purpose to fraudulently obtain or attempt to obtain a benefit or services, or avoid the payment of debt or other legal obligation or avoid prosecution for a crime by using the name of the other person; or

(5) Impersonates another, assumes a false identity or makes a false or misleading statement, in the course of making an oral or written application for services, with the purpose of avoiding payment for prior services. Purpose to avoid payment for prior services may be presumed upon proof that the person has not made full payment for prior services and has impersonated another, assumed a false identity or made a false or misleading statement regarding the identity of any person in the course of making oral or written application for services.

As used in this section:

"Benefit" means, but is not limited to, any property, any pecuniary amount, any services, any pecuniary amount sought to be avoided or any injury or harm perpetrated on another where there is no pecuniary value.

b. (Deleted by amendment, P.L.2005, c.224).

c. A person who violates subsection a. of this section is guilty of a crime as follows:

(1) If the actor obtains a benefit or deprives another of a benefit in an amount less than \$500 and the offense involves the identity of one victim, the actor shall be guilty of a crime of the fourth degree except that a second or subsequent conviction for such an offense constitutes a crime of the third degree; or

(2) If the actor obtains a benefit or deprives another of a benefit in an amount of at least \$500 but less than \$75,000, or the offense involves the identity of at least two but less than five victims, the actor shall be guilty of a crime of the third degree; or

(3) If the actor obtains a benefit or deprives another of a benefit in the amount of \$75,000 or more, or the offense involves the identity of five or more victims, the actor shall be guilty of a crime of the second degree.

d. A violation of N.J.S.2C:28-7, constituting a disorderly persons offense, section 1 of P.L.1979, c.264 (C.2C:33-15), R.S.33:1-81 or section 6 of P.L.1968, c.313 (C.33:1-81.7) in a case where the person uses the personal identifying information of another to illegally purchase an alcoholic beverage or for using the personal identifying information of another to misrepresent the person's age for the purpose of obtaining tobacco or other consumer product denied to persons under 21 years of age shall not, except as otherwise set forth in this subsection, constitute an offense under this section if the actor received only that benefit or service and did not perpetrate or attempt to per-

petrate any additional injury or fraud on another. If a person used the personal identifying information of another to misrepresent the person's age for the purpose of illegally obtaining any cannabis item available for lawful consumption pursuant to the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act," P.L.2021, c.16 (C.24:6I-31 et al.), the person shall be subject to a civil penalty of \$50. The civil penalty provided for in this subsection shall be collected pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary proceeding before the municipal court having jurisdiction. A civil penalty recovered under the provisions of this subsection shall be recovered by and in the name of the State by the local municipality. The penalty shall be paid into the treasury of the municipality in which the violation occurred for the general use of the municipality.

e. The sentencing court shall issue such orders as are necessary to correct any public record or government document that contains false information as a result of a theft of identity. The sentencing court may provide restitution to the victim in accordance with the provisions of section 4 of P.L.2002, c.85 (C.2C:21-17.1).

67. Section 5 of P.L.2003, c.184 (C.2C:21-17.2) is amended to read as follows:

C.2C:21-17.2 Use of personal identifying information of another; certain; degree of crime.

5. a. A person is guilty of a crime of the second degree if, in obtaining or attempting to obtain a driver's license, birth certificate or other document issued by a governmental agency which could be used as a means of verifying a person's identity, age or any other personal identifying information, that person knowingly exhibits, displays or utters a document or other writing which falsely purports to be a driver's license, birth certificate or other document issued by a governmental agency or which belongs or pertains to a person other than the person who possesses the document.

b. Notwithstanding the provisions of N.J.S.2C:1-8 or any other law, a conviction under this section shall not merge with a conviction of any other criminal offense, nor shall such other conviction merge with a conviction under this section, and the court shall impose separate sentences upon each violation of this section and any other criminal offense.

c. A violation of N.J.S.2C:28-7, constituting a disorderly persons offense, section 1 of P.L.1979, c.264 (C.2C:33-15), R.S.33:1-81 or section 6 of P.L.1968, c.313 (C.33:1-81.7) in a case where the person uses the personal

identifying information of another to illegally purchase an alcoholic beverage or for using the personal identifying information of another to misrepresent his age for the purpose of obtaining tobacco or other consumer product denied to persons under 21 years of age shall not, except as otherwise set forth in this subsection, constitute an offense under this section if the actor received only that benefit or service and did not perpetrate or attempt to perpetrate any additional injury or fraud on another. If the personal identifying information of another is used to obtain any cannabis item available for lawful consumption pursuant to the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act,” P.L.2021, c.16 (C.24:6I-31 et al.), the person shall be subject to a civil penalty of \$50. The civil penalty provided for in this subsection shall be collected pursuant to the “Penalty Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary proceeding before the municipal court having jurisdiction. A civil penalty recovered under the provisions of this subsection shall be recovered by and in the name of the State by the local municipality. The penalty shall be paid into the treasury of the municipality in which the violation occurred for the general use of the municipality.

Title amended.

68. The title of P.L.1968, c.313 is amended to read as follows:

AN ACT relating to the establishing of proof of age for purposes of purchasing alcoholic beverages or cannabis items in certain cases.

69. Section 6 of P.L.1968, c.313 (C.33:1-81.7) is amended to read as follows:

C.33:1-81.7 Transfer of card; offense; penalty.

6. It shall be unlawful for the owner of an identification card, as defined by this act, to transfer said card to any other person for the purpose of aiding such person to secure alcoholic beverages or cannabis items available for lawful consumption pursuant to the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act,” P.L.2021, c.16 (C.24:6I-31 et al.). Any person who shall transfer such identification card for the purpose of aiding such transferee to obtain alcoholic beverages shall be guilty of a disorderly persons offense and, upon conviction thereof, shall be sentenced to pay a fine of not more than \$300.00, or undergo imprisonment for not more than 60 days. Any person not entitled thereto who shall have unlawfully procured or have issued or transferred to him, as aforesaid, identification card or any person who shall make any false statement on any card required by subsection (c) hereof to be signed by him shall be guilty of a disorderly persons offense and, upon conviction thereof, shall be sentenced

to pay a fine of not more than \$300.00, or undergo imprisonment for not more than 60 days.

Title amended.

70. The title of P.L.1991, c.169 is amended to read as follows:
AN ACT concerning the retail sale of alcoholic beverages or cannabis items, amending R.S.33:1-81 and P.L.1979, c.264 and supplementing chapter 1 of Title 33 of the Revised Statutes.

71. Section 3 of P.L.1991, c.169 (C.33:1-81.1a) is amended to read as follows:

C.33:1-81.1a Violations by parent, guardian; notification; fine.

3. A parent, guardian or other person having legal custody of a person under 18 years of age found in violation of R.S.33:1-81 or section 1 of P.L.1979, c.264 (C.2C:33-15) with respect to purchasing, possessing, or consuming any alcoholic beverage or cannabis item available for lawful consumption pursuant to the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act," P.L.2021, c.16 (C.24:6I-31 et al.) shall be notified of the violation in writing. The parent, guardian or other person having legal custody of a person under 18 years of age shall be subject to a fine in the amount of \$500.00 upon any subsequent violation of R.S.33:1-81 or section 1 of P.L.1979, c.264 (C.2C:33-15) on the part of such person if it is shown that the parent, guardian or other person having legal custody failed or neglected to exercise reasonable supervision or control over the conduct of the person under 18 years of age.

Title amended.

72. The title of P.L.1979, c.264 is amended to read as follows:
AN ACT concerning certain alcoholic beverage and cannabis item offenses by persons under the legal age to purchase alcoholic beverages and cannabis items, and supplementing chapter 33 of Title 2C of the New Jersey Statutes.

73. Section 1 of P.L.1979, c.264 (C.2C:33-15) is amended to read as follows:

C.2C:33-15 Possession, consumption by persons under legal age; penalty.

1. a. (1) Any person under the legal age to purchase alcoholic beverages who knowingly possesses without legal authority or who knowingly consumes any alcoholic beverage in any school, public conveyance, public

place, or place of public assembly, or motor vehicle, is guilty of a petty disorderly persons offense, and shall, in the case of an adult under the legal age to purchase alcoholic beverages, be fined not less than \$250.

(2) (a) Any person under the legal age to purchase cannabis items who knowingly possesses without legal authority any cannabis item, the amount of which may be lawfully possessed by a person of the legal age to purchase cannabis items pursuant to section 46 of P.L.2021, c.16 (C.2C:35-10a), in any school, public conveyance, public place, or place of public assembly, or motor vehicle, is guilty of a petty disorderly persons offense, and shall, in the case of an adult under the legal age to purchase cannabis items, be fined not less than \$250.

(b) Any person under the legal age to purchase cannabis items who knowingly possesses without legal authority any cannabis item, the amount of which exceeds what may be lawfully possessed by a person of the legal age to purchase cannabis items pursuant to section 46 of P.L.2021, c.16 (C.2C:35-10a), or who knowingly consumes any cannabis item in any school, public conveyance, public place, or place of public assembly, or motor vehicle, is guilty of a disorderly persons offense, and shall, in the case of an adult under the legal age to purchase cannabis items, be fined not less than \$500.

b. Whenever this offense is committed in a motor vehicle, the court shall, in addition to the sentence authorized for the offense, suspend or postpone for six months the driving privilege of the defendant. Upon the conviction of any person under this section, the court shall forward a report to the New Jersey Motor Vehicle Commission stating the first and last day of the suspension or postponement period imposed by the court pursuant to this section. If a person at the time of the imposition of a sentence is less than 17 years of age, the period of license postponement, including a suspension or postponement of the privilege of operating a motorized bicycle, shall commence on the day the sentence is imposed and shall run for a period of six months after the person reaches the age of 17 years.

If a person at the time of the imposition of a sentence has a valid driver's license issued by this State, the court shall immediately collect the license and forward it to the commission along with the report. If for any reason the license cannot be collected, the court shall include in the report the complete name, address, date of birth, eye color, and sex of the person as well as the first and last date of the license suspension period imposed by the court.

The court shall inform the person orally and in writing that if the person is convicted of operating a motor vehicle during the period of license suspension or postponement, the person shall be subject to the penalties set forth in R.S.39:3-40. A person shall be required to acknowledge receipt of the

written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of a written notice shall not be a defense to a subsequent charge of a violation of R.S.39:3-40.

If the person convicted under this section is not a New Jersey resident, the court shall suspend or postpone, as appropriate, the non-resident driving privilege of the person based on the age of the person and submit to the commission the required report. The court shall not collect the license of a non-resident convicted under this section. Upon receipt of a report by the court, the commission shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.

c. In addition to the general penalty prescribed for a disorderly persons offense, the court may require any person who violates this act to participate in an alcohol or drug abuse education or treatment program, authorized by the Division of Mental Health and Addiction Services in the Department of Human Services, for a period not to exceed the maximum period of confinement prescribed by law for the offense for which the individual has been convicted.

d. Nothing in this act shall apply to possession of alcoholic beverages by any such person while actually engaged in the performance of employment pursuant to an employment permit issued by the Director of the Division of Alcoholic Beverage Control, or for a bona fide hotel or restaurant, in accordance with the provisions of R.S.33:1-26, or while actively engaged in the preparation of food while enrolled in a culinary arts or hotel management program at a county vocational school or post-secondary educational institution; and nothing in this section shall apply to possession of cannabis items by any such person while actually engaged in the performance of employment by a cannabis establishment, distributor, or delivery service as permitted pursuant to the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act," P.L.2021, c.16 (C.24:6I-31 et al.).

e. The provisions of section 3 of P.L.1991, c.169 (C.33:1-81.1a) shall apply to a parent, guardian or other person with legal custody of a person under 18 years of age who is found to be in violation of this section.

f. An underage person and one or two other persons shall be immune from prosecution under this section if:

(1) one of the underage persons called 9-1-1 and reported that another underage person was in need of medical assistance due to alcohol consumption or the consumption of a cannabis item;

(2) the underage person who called 9-1-1 and, if applicable, one or two other persons acting in concert with the underage person who called 9-1-1 provided each of their names to the 9-1-1 operator;

(3) the underage person was the first person to make the 9-1-1 report; and

(4) the underage person and, if applicable, one or two other persons acting in concert with the underage person who made the 9-1-1 call remained on the scene with the person under the legal age in need of medical assistance until assistance arrived and cooperated with medical assistance and law enforcement personnel on the scene.

The underage person who received medical assistance also shall be immune from prosecution under this section.

g. For purposes of this section, an alcoholic beverage includes powdered alcohol as defined by R.S.33:1-1, and a cannabis item includes any item available for lawful consumption pursuant to the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act," P.L.2021, c.16 (C.24:6I-31 et al.).

Title amended.

74. The title of P.L.1981, c.197 is amended to read as follows:
AN ACT concerning the unauthorized bringing of alcoholic beverages or cannabis items onto school premises, and supplementing chapter 33 of Title 2C of the New Jersey Statutes.

75. Section 1 of P.L.1981, c.197 (C.2C:33-16) is amended to read as follows:

C.2C:33-16 Bringing alcoholic beverages, cannabis items onto school property; disorderly person.

1. Any person of legal age to purchase alcoholic beverages or cannabis items, who, in the case of alcoholic beverages, knowingly and without the express written permission of the school board, its delegated authority, or any school principal, brings or possesses any alcoholic beverages, or in the case of cannabis items, brings, possesses, or consumes, including by smoking, vaping, or aerosolizing, any cannabis items, on any property used for school purposes which is owned by any school or school board, is guilty of a disorderly persons offense. For purposes of this section, an alcoholic beverage includes powdered alcohol as defined by R.S.33:1-1, and a cannabis item includes any item available for lawful consumption pursuant to the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act," P.L.2021, c.16 (C.24:6I-31 et al.).

76. R.S.40:48-1 is amended to read as follows:

Ordinances; general purpose.

40:48-1. Ordinances; general purpose. The governing body of every municipality may make, amend, repeal and enforce ordinances to:

Finances and property. 1. Manage, regulate and control the finances and property, real and personal, of the municipality;

Contracts and contractor's bonds. 2. Prescribe the form and manner of execution and approval of all contracts to be executed by the municipality and of all bonds to be given to it;

Officers and employees; duties, terms and salaries. 3. Prescribe and define, except as otherwise provided by law, the duties and terms of office or employment, of all officers and employees; and to provide for the employment and compensation of such officials and employees, in addition to those provided for by statute, as may be deemed necessary for the efficient conduct of the affairs of the municipality;

Fees. 4. Fix the fees of any officer or employee of the municipality for any service rendered in connection with his office or position, for which no specific fee or compensation is provided. In the case of salaried officers or employees, such fee shall be paid into the municipal treasury;

Salaries instead of fees; disposition of fees. 5. Provide that any officer or employee receiving compensation for his services, in whole or in part by fees, whether paid by the municipality or otherwise, shall be paid a salary to be fixed in the ordinance, and thereafter all fees received by such officer or employee shall be paid into the municipal treasury;

Maintain order. 6. Prevent vice, drunkenness and immorality; to preserve the public peace and order; to prevent and quell riots, disturbances and disorderly assemblages; to prohibit the consumption of alcoholic beverages or cannabis items by underage persons on private property pursuant to section 1 of P.L.2000, c.33 (C.40:48-1.2);

Punish beggars; prevention of loitering. 7. Restrain and punish drunkards, vagrants, mendicants and street beggars; to prevent loitering, lounging or sleeping in the streets, parks or public places;

Auctions and noises. 8. Regulate the ringing of bells and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises;

Swimming; bathing costume; prohibition of public nudity. 9. Regulate or prohibit swimming or bathing in the waters of, in, or bounding the municipality, and to regulate or prohibit persons from appearing upon the public streets, parks and places clad in bathing costumes or robes, or costumes of a similar character; regulate or prohibit persons from appearing in a state of nudity upon all lands within its borders which are under the jurisdiction of the State including, without limitation, all lands owned by, controlled by, managed by or leased by the State;

Prohibit annoyance of persons or animals. 10. Regulate or prohibit any practice tending to frighten animals, or to annoy or injure persons in the public streets;

Animals; pounds; establishment and regulation. 11. Establish and regulate one or more pounds, and to prohibit or regulate the running at large of horses, cattle, dogs, swine, goats and other animals, and to authorize their impounding and sale for the penalty incurred, and the costs of impounding, keeping and sale; to regulate or prohibit the keeping of cattle, goats or swine in any part of the municipality; to authorize the destruction of dogs running at large therein;

Hucksters. 12. Prescribe and regulate the place of vending or exposing for sale articles of merchandise from vehicles;

Building regulations; wooden structures. 13. Regulate and control the construction, erection, alteration and repair of buildings and structures of every kind within the municipality; and to prohibit, within certain limits, the construction, erection or alteration of buildings or structures of wood or other combustible material;

Inflammable materials; inspect docks and buildings. 14. Regulate the use, storage, sale and disposal of inflammable or combustible materials, and to provide for the protection of life and property from fire, explosions and other dangers; to provide for inspections of buildings, docks, wharves, warehouses and other places, and of goods and materials contained therein, to secure the proper enforcement of such ordinance;

Dangerous structures; removal or destruction; procedure. 15. Provide for the removal or destruction of any building, wall or structure which is or may become dangerous to life or health, or might tend to extend a conflagration; and to assess the cost thereof as a municipal lien against the premises;

Chimneys and boilers. 16. Regulate the construction and setting up of chimneys, furnaces, stoves, boilers, ovens and other contrivances in which fire is used;

Explosives. 17. Regulate, in conformity with the statutes of this State, the manufacture, storage, sale, keeping or conveying of gunpowder, nitroglycerine, dynamite and other explosives;

Firearms and fireworks. 18. Regulate and prohibit the sale and use of guns, pistols, firearms, and fireworks of all descriptions;

Soft coal. 19. Regulate the use of soft coal in locomotives, factories, power houses and other places;

Theaters, schools, churches and public places. 20. Regulate the use of theaters, cinema houses, public halls, schools, churches, and other places where numbers of people assemble, and the exits therefrom, so that escape

therefrom may be easily and safely made in case of fire or panic; and to regulate any machinery, scenery, lights, wires and other apparatus, equipment or appliances used in all places of public amusement;

Excavations. 21. Regulate excavations below the established grade or curb line of any street, not greater than eight feet, which the owner of any land may make, in the erection of any building upon his own property; and to provide for the giving of notice, in writing, of such intended excavation to any adjoining owner or owners, and that they will be required to protect and care for their several foundation walls that may be endangered by such excavation; and to provide that in case of the neglect or refusal, for 10 days, of such adjoining owner or owners to take proper action to secure and protect the foundations of any adjacent building or other structure, that the party or parties giving such notice, or their agents, contractors or employees, may enter into and upon such adjoining property and do all necessary work to make such foundations secure, and may recover the cost of such work and labor in so protecting such adjacent property; and to make such further and other provisions in relation to the proper conduct and performance of said work as the governing body or board of the municipality may deem necessary and proper;

Sample medicines. 22. Regulate and prohibit the distribution, depositing or leaving on the public streets or highways, public places or private property, or at any private place or places within any such municipality, any medicine, medicinal preparation or preparations represented to cure ailments or diseases of the body or mind, or any samples thereof, or any advertisements or circulars relating thereto, but no ordinance shall prohibit a delivery of any such article to any person above the age of 12 years willing to receive the same;

Boating. 23. Regulate the use of motor and other boats upon waters within or bounding the municipality;

Fire escapes. 24. Provide for the erection of fire escapes on buildings in the municipality, and to provide rules and regulations concerning the construction and maintenance of the same, and for the prevention of any obstruction thereof or thereon;

Care of injured employees. 25. Provide for the payment of compensation and for medical attendance to any officer or employee of the municipality injured in the performance of his duty;

Bulkheads and other structures. 26. Fix and determine the lines of bulkheads or other works or structures to be erected, constructed or maintained by the owners of lands facing upon any navigable water in front of their lands, and in front of or along any highway or public lands of said municipality, and to designate the materials to be used, and the type, height and dimensions thereof;

Lifeguard. 27. Establish, maintain, regulate and control a lifeguard upon any beach within or bordering on the municipality;

Appropriation for life-saving apparatus. 28. Appropriate moneys to safeguard people from drowning within its borders, by location of apparatus or conduct of educational work in harmony with the plans of the United States volunteer life-saving corps in this State;

Fences. 29. Regulate the size, height and dimensions of any fences between the lands of adjoining owners, whether built or erected as division or partition fences between such lands, and whether the same exist or be erected entirely or only partly upon the lands of any such adjoining owners, or along or immediately adjacent to any division or partition line of such lands. To provide, in such ordinance, the manner of securing, fastening or shoring such fences, and for surveying the land when required by statute, and to prohibit in any such ordinance the use at a height of under 10 feet from the ground, of any device, such as wire or cable, that would be dangerous to pedestrians, equestrians, bicyclists, or drivers of off-the-road vehicles, unless that device is clearly visible to pedestrians, equestrians, bicyclists or drivers of off-the-road vehicles. In the case of fences thereafter erected contrary to the provisions thereof, the governing body may provide for a penalty for the violation of such ordinance, and in the case of such fence or fences erected or existing at the time of the passage of any such ordinance, may provide therein for the removal, change or alteration thereof, so as to make such fence or fences comply with the provisions of any such ordinance;

Advertise municipality. 30. Appropriate funds for advertising the advantages of the municipality;

Government Energy Aggregation Programs. 31. Establish programs and procedures pursuant to which the municipality may act as a government aggregator pursuant to sections 40 through 43 of P.L.1999, c.23 (C.48:3-89 through C.48:3-92), section 45 of P.L.1999, c.23 (C.48:3-94), and sections 1, 2 and 6 of P.L.2003, c.24 (C.48:3-93.1 through C.48:3-93.3). Notwithstanding the provisions of any other law, rule or regulation to the contrary, a municipality acting as a government aggregator pursuant to P.L.1999, c.23 (C.48:3-49 et al.) shall not be deemed to be a public utility pursuant to R.S.40:62-24 or R.S.48:1-1 et seq. or be deemed to be operating any form of public utility service pursuant to R.S.40:62-1 et seq., to the extent such municipality is solely engaged in the provision of such aggregation service and not otherwise owning or operating any plant or facility for the production or distribution of gas, electricity, steam or other product as provided in R.S.40:62-12;

Joint municipal action on consent for the provision of cable television service. 32. Establish programs and procedures pursuant to which a municipality

may act together with one or more municipalities in granting municipal consent for the provision of cable television service pursuant to the provisions of the "Cable Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.) as amended and supplemented. Notwithstanding the provisions of any other law, rule or regulation to the contrary, two or more municipalities acting jointly pursuant to the provisions of P.L.1972, c.186 (C.48:5A-1 et seq.) shall not be deemed a public utility pursuant to R.S.48:1-1 et seq., to the extent those municipalities are solely engaged in granting municipal consent jointly and are not otherwise owning or operating any facility for the provision of cable television service as provided in P.L.1972, c.186 (C.48:5A-1 et seq.);

Private cable television service aggregation programs. 33. Establish programs and procedures pursuant to which a municipality may employ the services of a private aggregator for the purpose of facilitating the joint action of two or more municipalities in granting municipal consent for the provision of cable television service provided that any such municipality shall adhere to the provisions of the "Cable Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.) as amended and supplemented, and to the provisions of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.) as amended and supplemented. Notwithstanding the provisions of any other law, rule or regulation to the contrary, a municipality that employs the services of a private aggregator pursuant to the provisions of P.L.1972, c.186 (C.48:5A-1 et seq.) shall not be deemed a public utility pursuant to R.S.48:1-1 et seq., to the extent that the municipality is solely engaged in employing the services of a private aggregator for the purpose of facilitating the joint action of two or more municipalities in granting municipal consent and is not otherwise owning or operating any facility for the provision of cable television service as provided in P.L.1972, c.186 (C.48:5A-1 et seq.);

Protective Custody. 34. Provide protective custody to persons arrested for operating a motor vehicle under the influence of alcoholic beverages, cannabis items as defined in section 3 of P.L.2021, c.16 (C.24:6I-33), any chemical substance, or any controlled dangerous substance in violation of R.S.39:4-50 as provided in section 1 of P.L.2003, c.164 (C.40:48-1.3);

Private Outdoor Video Surveillance Camera Registry. 35. Establish a private outdoor video surveillance camera registry and allow voluntary registration of private outdoor video surveillance cameras as provided in P.L.2015, c.142 (C.40:48-1.6 et al.).

C.40:48-1.2b Municipality permitted to enact certain ordinances relative to cannabis items.

77. A municipality may enact an ordinance making it unlawful for any person who is of legal age to consume, other than by smoking, vaping, or aerosolizing, a cannabis item available for lawful consumption pursuant to the

“New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act,” P.L.2021, c.16 (C.24:6I-31 et al.), in any public place as defined in section 3 of that act (C.24:6I-33), other than school property described in section 1 of P.L.1981, c.197 (C.2C:33-16) for which unlawful consumption is a disorderly persons offense, or when not prohibited by the owner or person responsible for the operation of that public place. A person may be subject to a civil penalty of up to \$200, which shall be recovered in a civil action by a summary proceeding in the name of the municipality pursuant to the “Penalty Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.). The municipal court and the Superior Court shall have jurisdiction of proceedings for the enforcement of the penalty provided by this section.

Title amended

78. The title of P.L.2000, c.33 is amended to read as follows:

AN ACT concerning possession and consumption of alcoholic beverages or cannabis items by underaged persons, supplementing Title 40 of the Revised Statutes and amending R.S.40:48-1.

79. Section 1 of P.L.2000, c.33 (C.40:48-1.2) is amended to read as follows:

C.40:48-1.2 Municipality may enact ordinance relative to consumption of alcoholic beverages, cannabis items, by underaged persons.

1. a. A municipality may enact an ordinance making it unlawful for any person under the legal age who, without legal authority, knowingly possesses or knowingly consumes an alcoholic beverage or a cannabis item, other than by smoking, vaping, or aerosolizing, on private property.

(1) The ordinance shall provide that a violation involving alcoholic beverage activity shall, in the case of an adult under the legal age to purchase an alcoholic beverage, be punished by a fine of \$250 for a first offense and \$350 for any subsequent offense.

(2) The ordinance shall provide that a violation involving cannabis activity, in the case of an adult under the legal age to purchase cannabis items, shall be punished as follows:

(a) If the cannabis item possessed is an amount which may be lawfully possessed by a person of the legal age to purchase cannabis items pursuant to section 46 of P.L.2021, c.16 (C.2C:35-10a): for a first offense, a civil penalty of \$100; for a second offense, a civil penalty of \$200; and for a third or subsequent offense, a fine of \$350. The civil penalties provided for in this subparagraph shall be collected pursuant to the “Penalty Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary proceeding before the municipal court

having jurisdiction. A penalty recovered under the provisions of this subparagraph shall be recovered by and in the name of the municipality.

(b) If the cannabis item possessed is an amount that exceeds what may be lawfully possessed by a person of the legal age to purchase cannabis items pursuant to section 46 of P.L.2021, c.16 (C.2C:35-10a), or if any cannabis item is consumed: for a first offense, a fine of \$250; and for a second or subsequent offense, a fine of \$350.

b. (Deleted by amendment, P.L.2019, c.276)

c. (1) No ordinance shall prohibit an underaged person from consuming or possessing an alcoholic beverage in connection with a religious observance, ceremony, or rite or consuming or possessing an alcoholic beverage in the presence of and with the permission of a parent, guardian or relative who has attained the legal age to purchase and consume alcoholic beverages.

(2) As used in this section:

“Alcoholic beverage” includes powdered alcohol as defined by R.S.33:1-1.

“Guardian” means a person who has qualified as a guardian of the underaged person pursuant to testamentary or court appointment.

“Cannabis items” includes any item available for lawful consumption pursuant to the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act,” P.L.2021, c.16 (C.24:6I-31 et al.).

“Relative” means the underaged person's grandparent, aunt or uncle, sibling, or any other person related by blood or affinity.

d. No ordinance shall prohibit possession of alcoholic beverages by any such person while actually engaged in the performance of employment by a person who is licensed under Title 33 of the Revised Statutes, or while actively engaged in the preparation of food while enrolled in a culinary arts or hotel management program at a county vocational school or post-secondary educational institution, and no ordinance shall prohibit possession of cannabis items by any such person while actually engaged in the performance of employment by a cannabis establishment, distributor, or delivery service as permitted pursuant to the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act,” P.L.2021, c.16 (C.24:6I-31 et al.); however, no ordinance enacted pursuant to this section shall be construed to preclude the imposition of a penalty under this section, R.S.33:1-81, or any other section of law against a person who is convicted of unlawful alcoholic beverage activity or unlawful cannabis activity on or at premises licensed for the sale of alcoholic beverages or cannabis items.

Title amended.

80. The title of P.L.2009, c.133 is amended to read as follows:

AN ACT concerning persons under the legal age to possess and consume alcoholic beverages or cannabis items, amending P.L.1979, c.264, and supplementing P.L.2000, c.33 (C.40:48-1.2 et al.).

81. Section 2 of P.L.2009, c.133 (C.40:48-1.2a) is amended to read as follows:

C.40:48-1.2a Immunity from prosecution; certain circumstances.

2. a. An underage person and one or two other persons shall be immune from prosecution under an ordinance authorized by section 1 of P.L.2000, c.33 (C.40:48-1.2) prohibiting any person under the legal age who, without legal authority, knowingly possesses or knowingly consumes an alcoholic beverage or cannabis item on private property if:

(1) one of the underage persons called 9-1-1 and reported that another underage person was in need of medical assistance due to alcohol consumption or the consumption of a cannabis item;

(2) the underage person who called 9-1-1 and, if applicable, one or two other persons acting in concert with the underage person who called 9-1-1 provided each of their names to the 9-1-1 operator;

(3) the underage person was the first person to make the 9-1-1 report; and

(4) the underage person and, if applicable, one or two other persons acting in concert with the underage person who made the 9-1-1 call remained on the scene with the person under the legal age in need of medical assistance until assistance arrived and cooperated with medical assistance and law enforcement personnel on the scene.

b. The underage person who received medical assistance as provided in subsection a. of this section also shall be immune from prosecution under an ordinance authorized by section 1 of P.L.2000, c.33 (C.40:48-1.2).

82. Section 2 of P.L.1981, c.512 (C.39:4-50.4a) is amended to read as follows:

C.39:4-50.4a Refusal to submit to test; penalties.

2. a. The municipal court shall order any person who, after being arrested for a violation of R.S.39:4-50 or section 1 of P.L.1992, c.189 (C.39:4-50.14), refuses to submit, upon request, to a test provided for in section 2 of P.L.1966, c.142 (C.39:4-50.2):

(1) if the refusal was in connection with a first offense under this section, to forfeit the right to operate a motor vehicle over the highways of this State until the person installs an ignition interlock device in one motor vehicle owned, leased, or principally operated by the person, whichever the person

most often operates, for the purpose of complying with the provisions of P.L.1999, c.417 (C.39:4-50.16 et al.);

(2) if the refusal was in connection with a second offense under this section, to forfeit the right to operate a motor vehicle over the highways of this State for a period of not less than one year or more than two years following the installation of an ignition interlock device in one motor vehicle owned, leased, or principally operated by the person, whichever the person most often operates, for the purpose of complying with the provisions of P.L.1999, c.417 (C.39:4-50.16 et al.);

(3) if the refusal was in connection with a third or subsequent offense under this section, to forfeit the right to operate a motor vehicle over the highways of this State for a period of eight years following the installation of an ignition interlock device in one motor vehicle owned, leased, or principally operated by the person, whichever the person most often operates, for the purpose of complying with the provisions of P.L.1999, c.417 (C.39:4-50.16 et al.). A conviction or administrative determination of a violation of a law of a substantially similar nature in another jurisdiction, regardless of whether that jurisdiction is a signatory to the Interstate Driver License Compact pursuant to P.L.1966, c.73 (C.39:5D-1 et seq.), shall constitute a prior conviction under this section.

The municipal court shall determine by a preponderance of the evidence whether the arresting officer had probable cause to believe that the person had been driving or was in actual physical control of a motor vehicle on the public highways or quasi-public areas of this State while the person was under the influence of intoxicating liquor or a narcotic, hallucinogenic, or habit-producing drug, or marijuana or cannabis item as defined in section 3 of P.L.2021, c.16 (C.24:6I-33); whether the person was placed under arrest, if appropriate, and whether he refused to submit to the test upon request of the officer; and if these elements of the violation are not established, no conviction shall issue. In addition to any other requirements provided by law, a person whose operator's license is revoked for refusing to submit to a test shall be referred to an Intoxicated Driver Resource Center established by subsection (f) of R.S.39:4-50 and shall satisfy the same requirements of the center for refusal to submit to a test as provided for in section 2 of P.L.1966, c.142 (C.39:4-50.2) in connection with a first, second, third or subsequent offense under this section that must be satisfied by a person convicted of a commensurate violation of this section, or be subject to the same penalties as such a person for failure to do so. For a first offense, the revocation may be concurrent with or consecutive to any revocation imposed for a conviction under the provisions of R.S.39:4-50 arising out of the same incident. For a second or subsequent offense, the revocation shall be consecutive to any

revocation imposed for a conviction under the provisions of R.S.39:4-50. In addition to issuing a revocation, the municipal court shall fine a person convicted under this section, a fine of not less than \$300 or more than \$500 for a first offense; a fine of not less than \$500 or more than \$1,000 for a second offense; and a fine of \$1,000 for a third or subsequent offense.

b. (Deleted by amendment, P.L.2019, c.248)

83. Section 1 of P.L.1983, c.307 (C.39:4-51a) is amended to read as follows:

C.39:4-51a No consumption of alcoholic beverages, cannabis items in motor vehicles; presumption; penalties.

1. a. A person shall not consume an alcoholic beverage or cannabis item as defined in section 3 of P.L.2021, c.16 (C.24:6I-33) while operating a motor vehicle. A passenger in a motor vehicle shall not consume an alcoholic beverage, and shall not consume by means of smoking, vaping, or aerosolizing a cannabis item, while the motor vehicle is being operated. This subsection shall not apply, with respect to the consumption of an alcoholic beverage, to a passenger of a charter or special bus operated as defined under R.S.48:4-1 or a limousine service.

b. A person shall be presumed to have consumed an alcoholic beverage in violation of this section if an unsealed container of an alcoholic beverage is located in the passenger compartment of the motor vehicle, the contents of the alcoholic beverage have been partially consumed and the physical appearance or conduct of the operator of the motor vehicle or a passenger may be associated with the consumption of an alcoholic beverage. For the purposes of this section, the term "unsealed" shall mean a container with its original seal broken, or a container such as a glass or cup.

c. For the first offense, a person convicted of violating this section shall be fined \$200 and shall be informed by the court of the penalties for a second or subsequent violation of this section. For a second or subsequent offense, a person convicted of violating this section shall be fined \$250 or shall be ordered by the court to perform community service for a period of 10 days in such form and on such terms as the court shall deem appropriate under the circumstances.

84. Section 6 of P.L.2000, c.83 (C.39:4-51b) is amended to read as follows:

C.39:4-51b Prohibition of open, unsealed alcoholic beverage container or cannabis item in motor vehicle; fine.

6. a. All occupants of a motor vehicle located on a public highway, or the right-of-way of a public highway, shall be prohibited from possessing any open or unsealed alcoholic beverage container or unsealed cannabis item

as defined in section 3 of P.L.2021, c.16 (C.24:6I-33) that is intended to be consumed by means of smoking, vaping, or aerosolizing. This subsection shall not apply, with respect to the possession of an alcoholic beverage, to a passenger of a charter or special bus operated as defined under R.S.48:4-1 or a limousine service.

b. A person shall not be deemed to be in possession of an opened or unsealed alcoholic beverage container or unsealed cannabis item pursuant to this section if such container or unsealed cannabis item is located in the trunk of a motor vehicle, behind the last upright seat in a trunkless vehicle, or in the living quarters of a motor home or house trailer. For the purposes of this section, the term "open or unsealed" shall mean an alcoholic beverage container with its original seal broken, or a container or package that is not the original container or package such as a glass, cup, box, bag, or wrapping.

c. For a first offense, a person convicted of violating this section shall be fined \$200 and shall be informed by the court of the penalties for a second or subsequent violation of this section. For a second or subsequent offense, a person convicted of violating this section shall be fined \$250 or shall be ordered by the court to perform community service for a period of 10 days in such form and on such terms as the court shall deem appropriate under the circumstances.

85. Section 6 of P.L.1961, c.56 (C.52:17B-71) is amended to read as follows:

C.52:17B-71 Powers, responsibilities, duties of commission.

6. The commission is vested with the power, responsibility and duty:

a. To prescribe standards for the approval and continuation of approval of schools at which police training courses authorized by this act and in-service police training courses shall be conducted, including but not limited to currently existing regional, county, municipal, and police chief association police training schools or at which basic training courses and in-service training courses shall be conducted for State and county juvenile and adult correctional police officers and juvenile detention officers;

b. To approve and issue certificates of approval to these schools, to inspect the schools from time to time, and to revoke any approval or certificate issued to the schools;

c. To prescribe the curriculum, the minimum courses of study, attendance requirements, equipment and facilities, and standards of operation for these schools. Courses of study in crime prevention may be recommended to the Police Training Commission by the Crime Prevention Advisory Committee, established by section 2 of P.L.1985, c.1 (C.52:17B-77.1). The Police

Training Commission may prescribe psychological and psychiatric examinations for police recruits while in the schools;

d. To prescribe minimum qualifications for instructors at these schools and to certify, as qualified, instructors for approved police training schools and to issue appropriate certificates to the instructors;

e. To certify police officers, correctional police officers, juvenile correctional police officers, and juvenile detention officers who have satisfactorily completed training programs and to issue appropriate certificates to the police officers, correctional police officers, juvenile correctional police officers, and juvenile detention officers;

f. To advise and consent in the appointment of an administrator of police services by the Attorney General pursuant to section 8 of P.L.1961, c.56 (C.52:17B-73);

g. (Deleted by amendment, P.L.1985, c.491)

h. To make rules and regulations as may be reasonably necessary or appropriate to accomplish the purposes and objectives of this act;

i. To make a continuous study of police training methods and training methods for correctional police officers, juvenile correctional police officers, and juvenile detention officers and to consult and accept the cooperation of any recognized federal or State law enforcement agency or educational institution;

j. To consult and cooperate with universities, colleges, and institutes in the State for the development of specialized courses of study for police officers in police science and police administration;

k. To consult and cooperate with other departments and agencies of the State concerned with police training or the training of correctional police officers, juvenile correctional police officers, and juvenile detention officers;

l. To participate in unified programs and projects relating to police training and the training of correctional police officers, juvenile correctional police officers, and juvenile detention officers sponsored by any federal, State, or other public or private agency;

m. To perform other acts as may be necessary or appropriate to carry out its functions and duties as set forth in this act;

n. To extend the time limit for satisfactory completion of police training programs or programs for the training of correctional police officers, juvenile correctional police officers, and juvenile detention officers upon a finding that health, extraordinary workload, or other factors have, singly or in combination, effected a delay in the satisfactory completion of the training program;

o. (1) To furnish approved schools, for inclusion in their regular police training courses and curriculum, with information concerning the advisability of high speed chases, the risk caused by them, and the benefits resulting from them;

(2) To review and approve new standards and course curricula for police training courses or programs to be offered by approved schools for the training of police officers to be certified as a Drug Recognition Expert for detecting, identifying, and apprehending drug-impaired motor vehicle operators. The commission shall consult with the Cannabis Regulatory Commission established by 31 of P.L.2019, c.153 (C.24:6I-24) with respect to any aspects of the course curricula that focus on impairment from the use of cannabis items as defined by section 3 of P.L.2021, c.16 (C.24:6I-33) or marijuana. Any police officer certified and recognized by the commission as a Drug Recognition Expert prior to the effective date of this section, as amended by the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act," P.L.2021, c.16 (C.24:6I-31 et al.), shall continue to be recognized as certified until that certification has expired or is no longer considered valid as determined by the commission, or the certification is replaced by the police officer with a new certification in accordance with the new standards and course curricula for certification described in this paragraph.

p. To review and approve new standards and course curricula developed by the Department of Corrections for both basic and in-service training of State and county correctional police officers and juvenile detention officers. These courses for the State correctional police officers and juvenile detention officers shall be centrally provided at the Corrections Officers' Training Academy of the Department of Corrections. Courses for the county correctional police officers and juvenile detention officers shall also be centrally provided at the Corrections Officers' Training Academy unless an off-grounds training program is established by the county. A county may elect to establish and conduct a basic training program for correctional police officers and juvenile detention officers seeking permanent appointment in that county. The Corrections Officers' Training Academy shall develop the curriculum of the basic training program to be conducted by a county;

q. To administer and distribute the monies in the Law Enforcement Officers Training and Equipment Fund established by section 9 of P.L.1996, c.115 (C.2C:43-3.3) and make rules and regulations for the administration and distribution of the monies as may be necessary or appropriate to accomplish the purpose for which the fund was established.

C.24:6I-56 Severability.**86. Severability.**

If any part, section, clause, paragraph, sentence, or provision, section of P.L.2021, c.16 (C.24:6I-31 et al.) shall be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, that judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the section, clause, paragraph, sentence, or provision thereof directly involved in the controversy in which the judgment shall have been rendered.

87. This act shall take effect as follows:

a. (1) Sections 1 through 18, 31 and 32, 38 through 46, 53 through 63, 76 through 81, and sections 85 and 86 shall take effect immediately; and

(2) Sections 19 through 30, 33 through 37, 47 through 52, 64 through 75, and 82 through 84 shall take effect immediately, but shall only become operative upon adoption of the commission's initial rules and regulations pursuant to subparagraph (a) of paragraph (1) of subsection d. of section 6 of P.L.2021, c.16 (C.24:6I-34).

b. The Attorney General, State Treasurer, Commissioner of Health, Commissioner of Banking and Insurance, and the Administrative Director of the Courts, and once constituted and organized, the Cannabis Regulatory Commission, may take such anticipatory administrative action as may be necessary to effectuate the provisions of P.L.2021, c.16 (C.24:6I-31 et al.).

Approved February 22, 2021.

CHAPTER 17

AN ACT concerning property tax exemptions, supplementing chapter 48 of Title 40 and chapter 4 of Title 54 of the Revised Statutes, and amending R.S.54:4-3.6 and R.S.54:3-21.

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

C.40:48J-1 Assessment of community service contribution for certain tax exempt property owners; definitions.

1. a. (1) The owner of property used as a hospital or a satellite emergency care facility, which is exempt from taxation pursuant to section 3 of P.L.2021,

c.17 (C.54:4-3.6j), shall annually be assessed a community service contribution to the municipality in which the licensed beds of the hospital are located and, in the case of a satellite emergency care facility, to the municipality in which such facility is located. These contributions shall be remitted directly to the municipalities in which the contributions are assessed.

(2) If a hospital and municipality have entered into a voluntary agreement prior to the enactment of P.L.2021, c.17 (C.40:48J-1 et al.), the hospital shall be required to pay the greater of the community service contribution required under paragraph (1) of subsection b. of this section, or the amount agreed upon in a voluntary agreement for the duration of the agreement between the municipality and the hospital.

(3) Nothing in this section shall be construed to prohibit a municipality and a hospital from entering into a voluntary agreement requiring additional payments by the hospital to the municipality pursuant to this section.

b. (1) For tax year 2021, the annual community service contribution required pursuant to this section shall, for a hospital, be equal to \$3 a day for each licensed bed at the hospital in the prior tax year, and shall, for a satellite emergency care facility, be equal to \$300 for each day in the prior tax year. For tax year 2022 and each tax year thereafter, the per day amount used to calculate an annual community service contribution for a hospital and a satellite emergency care facility shall increase by two percent over the prior tax year. The Commissioner of Health shall annually promulgate the per day amount to apply for each tax year. For the purposes of this subsection, the number of licensed beds per hospital shall not be less than the number of such beds in existence on January 1, 2020.

(2) An annual community service contribution shall be reduced by an amount equal to the sum of any payments remitted to the municipality in which the licensed beds of the hospital or satellite emergency care facility, as the case may be, is located, pursuant to a voluntary agreement operative in the prior tax year between the owner and the municipality to compensate for any municipal services benefitting the occupants and premises of the hospital or satellite emergency care facility.

(3) An annual community service contribution shall be payable in equal quarterly installments. The installments shall be payable on February 1, May 1, August 1, and November 1.

c. The obligation to remit an annual community service contribution pursuant to this section is legal, valid, and binding. If a quarterly installment of an annual community service contribution installment is not paid as and when due pursuant to subsection b. of this section, the unpaid balance shall constitute a municipal lien on the hospital or satellite emergency care facility

property after 30 days, and shall be enforced and collected in the same manner as unpaid property taxes.

d. A municipality that receives an annual community service contribution installment pursuant to this section, or a payment under a voluntary agreement that reduces the amount of such contribution pursuant to paragraph (2) of subsection b. of this section, shall forthwith, upon receipt, remit five percent of the installment or voluntary payment, as the case may be, to the county in which the municipality is located.

e. The Commissioner of Health, in consultation with the New Jersey Health Care Facilities Financing Authority in the Department of Health and the Director of the Division of Local Government Services in the Department of Community Affairs, shall, by the first day of the fourth month next following the enactment of P.L.2021, c.17 (C.40:48J-1 et al.), adopt regulations necessary to effectuate the provisions of this section pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

f. Notwithstanding any other provision of this section to the contrary, an owner of property used as a hospital shall be exempt from remitting an annual community service contribution for the hospital if the owner certifies to the Department of Health that, in the prior year, the hospital did not bill any patient for inpatient or outpatient professional or technical services rendered at the hospital and the hospital has provided community benefit over the preceding three years for which the hospital has filed such forms averaging at least 12 percent of the hospital's total expenses, as documented on IRS Form 990, Schedule H, part 1, line 7K, column F. The hospital shall file a copy of the documentation as enumerated in this subsection with the municipal tax assessor on or before December 1 of the pre-tax year. Upon receipt of a copy of the documentation, the tax assessor shall notify the hospital, on or before December 31, that it is exempt from payment of the community service contribution for the tax year commencing January 1.

g. As used in this section:

"Hospital" means a general acute care hospital licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), which maintains and operates organized facilities and services as approved and licensed by the Department of Health for the diagnosis, treatment, or care of persons suffering from acute illness, injury, or deformity and in which all diagnosis, treatment, and care are administered by or performed under the direction of persons licensed to practice medicine or osteopathy in the State, and includes all land and buildings that are used in the delivery of health care services by such hospital and its medical providers or that are used for the management, maintenance, administration, support, and security of such hospital and its medical providers.

“Hospital” shall not include a hospital owned or operated by a federal, State, regional, or local government entity, directly or as an instrumentality thereof.

“Licensed bed” means one of the total number of acute care beds for which an acute care hospital is approved for patient care by the Commissioner of Health, excluding skilled nursing, psychiatric, sub-acute, and newborn beds, and further excluding any acute care beds not commissioned for use.

“Medical provider” means an individual or entity which, acting within the scope of a licensure or certification, provides health care services, and includes, but is not limited to, a physician, physician assistant, psychologist, pharmacist, dentist, nurse, nurse practitioner, social worker, paramedic, respiratory care practitioner, medical or laboratory technician, ambulance or emergency medical worker, orthotist or prosthetist, radiological or other diagnostic service facility, bioanalytical laboratory, health care facility, or other limited licensed health care professional, and further includes administrative support staff of the individual or entity.

“Owner” means an association or corporation organized as a nonprofit entity pursuant to Title 15 of the Revised Statutes or Title 15A of the New Jersey Statutes exclusively for hospital purposes that owns a hospital.

“Satellite emergency care facility” means a facility, which is owned and operated by a hospital, and which provides emergency care and treatment for patients.

“Voluntary agreement” means any payment in lieu of taxes agreement or other agreement entered into between the owner of the property and the municipality for the purpose of compensating the municipality for any municipal services the municipality provides to the hospital.

C.40:48J-2 Nonprofit Hospital Community Service Contribution Study Commission.

2. a. There is established, in but not of the Department of Health, a commission to be known as the Nonprofit Hospital Community Service Contribution Study Commission. The commission shall consist of ten members as follows: the Commissioner of Health, ex officio; the Director of the Division of Local Government Services in the Department of Community Affairs, ex officio; two members of the Senate to be appointed by the President of the Senate, who shall not both be of the same political party; two members of the General Assembly to be appointed by the Speaker of the General Assembly, who shall not both be of the same political party; two members, appointed by the Governor, who are mayors of municipalities entitled to receive annual community service contributions pursuant to section 1 of P.L.2021, c.17 (C.40:48J-1); and two members, appointed by the Governor, who are

chief executive officers of hospitals assessed annual community service contributions pursuant to section 1 of P.L.2021, c.17 (C.40:48J-1). Each member may designate a representative to attend meetings of the commission, and each designee may lawfully vote and otherwise act on behalf of the member who designated that individual to serve as a designee. The members shall serve for terms of three years, commencing on the date of appointment, and may be reappointed. Vacancies in the membership of the commission shall be filled for the unexpired terms in the same manner as the original appointments.

b. The members shall be appointed within 60 days following the effective date of this section. The commission shall organize as soon as practicable after the appointment of a majority of its members and shall select a chair and a treasurer from among its members, and a secretary who need not be a member of the commission. The presence of six members of the commission shall constitute a quorum. The commission may conduct business without a quorum, but may only vote on the issuance of the report required to be submitted to the Governor and the Legislature pursuant to subsection e. of this section, and on any recommendations, when a quorum is present.

c. All commission members shall serve without compensation, but shall be eligible for reimbursement of 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.

d. The commission may meet and hold public hearings at the place or places it designates during the sessions or recesses of the Legislature.

e. The commission shall study the implementation of P.L.2021, c.17 (C.40:48J-1 et al.) and shall issue a report to the Governor and the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), every three years from the effective date of this section; provided, however, that the initial report shall be issued within one year following that effective date. The reports shall include: (1) an analysis of the financial impact of P.L.2021, c.17 (C.40:48J-1 et al.) on both hospitals and satellite emergency care facilities assessed annual community service contributions thereunder and the municipalities receiving such contributions; (2) an assessment of the adequacy of the amount of the annual community service contributions; (3) an analysis of the administration and equity of these contributions; and (4) any recommendations that the commission determines would improve the administration, equity, or any other aspect of the annual community service contribution system established by P.L.2021, c.17 (C.40:48J-1 et al.).

C.54:4-3.6j Exemption from taxation for certain properties used as hospital or satellite emergency care facility; definitions.

3. a. Property, including land and buildings, used as a hospital or a satellite emergency care facility, which is owned by an association or corporation organized as a nonprofit entity pursuant to Title 15 of the Revised Statutes or Title 15A of the New Jersey Statutes exclusively for hospital purposes, shall be exempt from taxation, provided that, except as provided in subsection b. of this section, if any portion of the property is leased to a profit-making organization or otherwise used for purposes which are not themselves exempt from taxation, that portion shall be subject to taxation and the remaining portion only shall be exempt from taxation.

b. If any portion of a hospital or a satellite emergency care facility is leased to or otherwise used by a profit-making medical provider for medical purposes related to the delivery of health care services directly to the hospital, that portion shall be exempt from taxation, provided that the portion of the hospital or satellite emergency care facility is used exclusively for hospital purposes.

c. The owner of property exempt from taxation pursuant to subsection a. of this section shall be assessed an annual community service contribution pursuant to section 1 of P.L.2021, c.17 (C.40:48J-1).

d. As used in this section:

“Hospital” means a general acute care hospital licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), which maintains and operates organized facilities and services as approved and licensed by the Department of Health for the diagnosis, treatment, or care of persons suffering from acute illness, injury, or deformity and in which all diagnosis, treatment, and care are administered by or performed under the direction of persons licensed to practice medicine or osteopathy in the State, and includes all land and buildings that are used in the delivery of health care services by such hospital and its medical providers or that are used for the management, maintenance, administration, support, and security of such hospital and its medical providers. “Hospital” shall not include a hospital owned or operated by a federal, State, regional, or local government entity, directly or as an instrumentality thereof.

“Medical provider” means an individual or entity which, acting within the scope of a licensure or certification, provides health care services, and includes, but is not limited to, a physician, physician assistant, psychologist, pharmacist, dentist, nurse, nurse practitioner, social worker, paramedic, respiratory care practitioner, medical or laboratory technician, ambulance or emergency medical worker, orthotist or prosthetist, radiological or other diagnostic service facility, bioanalytical laboratory, health care facility, or other

limited licensed health care professional, and further includes administrative support staff of the individual or entity.

“Satellite emergency care facility” means a facility, which is owned and operated by a hospital, and which provides emergency care and treatment for patients.

4. For tax years 2014, 2015, 2016, 2017, 2018, 2019, and 2020, property that would have been exempt from taxation pursuant to section 3 of P.L.2021, c.17 (C.54:4-3.6j), had that section been effective in those tax years, shall not be assessed as an omitted assessment pursuant to P.L.1947, c.413 (C.54:4-63.12 et seq.) or as a regular assessment pursuant to R.S.54:4-1. This section shall apply to all property owned by an association or corporation organized as a nonprofit entity pursuant to Title 15 of the Revised Statutes or Title 15A of the New Jersey Statutes exclusively for hospital purposes, whether or not assessed as an omitted assessment or a regular assessment, as well as the omitted assessments or regular assessments of such property that is the subject of litigation that is pending or that may be subject to appeal before the county board of taxation, the tax court, or any other court on or after the date of enactment of P.L.2021, c.17 (C.40:48J-1 et al.). Nothing in this section shall be construed to require a municipality to refund any taxes paid on such property as a result of such omitted assessments or regular assessments pursuant to any previous settlement of litigation or other agreement for tax years 2014, 2015, 2016, 2017, 2018, 2019, and 2020.

5. R.S.54:4-3.6 is amended to read as follows:

Tax exempt property.

54:4-3.6. The following property shall be exempt from taxation under this chapter: all buildings actually used for colleges, schools, academies or seminaries, provided that if any portion of such buildings are leased to profit-making organizations or otherwise used for purposes which are not themselves exempt from taxation, said portion shall be subject to taxation and the remaining portion only shall be exempt; all buildings actually used for historical societies, associations or exhibitions, when owned by the State, county or any political subdivision thereof or when located on land owned by an educational institution which derives its primary support from State revenue; all buildings actually and exclusively used for public libraries, asylum or schools for adults and children with intellectual disabilities; all buildings used exclusively by any association or corporation formed for the purpose and actually engaged in the work of preventing cruelty to animals; all

buildings actually and exclusively used and owned by volunteer first-aid squads, which squads are or shall be incorporated as associations not for pecuniary profit; all buildings actually used in the work of associations and corporations organized exclusively for the moral and mental improvement of men, women and children, provided that if any portion of a building used for that purpose is leased to profit-making organizations or is otherwise used for purposes which are not themselves exempt from taxation, that portion shall be subject to taxation and the remaining portion only shall be exempt; all buildings actually used in the work of associations and corporations organized exclusively for religious purposes, including religious worship, or charitable purposes, provided that if any portion of a building used for that purpose is leased to a profit-making organization or is otherwise used for purposes which are not themselves exempt from taxation, that portion shall be subject to taxation and the remaining portion shall be exempt from taxation, and provided further that if any portion of a building is used for a different exempt use by an exempt entity, that portion shall also be exempt from taxation; all buildings, other than those exempt from taxation pursuant to section 3 of P.L.2021, c.17 (C.54:4-3.6j), actually used in the work of associations and corporations organized exclusively for hospital purposes, provided that if any portion of a building used for hospital purposes is leased to profit-making organizations or otherwise used for purposes which are not themselves exempt from taxation, that portion shall be subject to taxation and the remaining portion only shall be exempt; all buildings owned or held by an association or corporation created for the purpose of holding the title to such buildings as are actually and exclusively used in the work of two or more associations or corporations organized exclusively for the moral and mental improvement of men, women and children; all buildings owned by a corporation created under or otherwise subject to the provisions of Title 15 of the Revised Statutes or Title 15A of the New Jersey Statutes and actually and exclusively used in the work of one or more associations or corporations organized exclusively for charitable or religious purposes, which associations or corporations may or may not pay rent for the use of the premises or the portions of the premises used by them; the buildings, not exceeding two, actually occupied as a parsonage by the officiating clergymen of any religious corporation of this State, together with the accessory buildings located on the same premises; the land whereon any of the buildings hereinbefore mentioned are erected, and which may be necessary for the fair enjoyment thereof, and which is devoted to the purposes above mentioned and to no other purpose and does not exceed five acres in extent; the furniture and personal property in said buildings if used in and devoted to the purposes above

mentioned; all property owned and used by any nonprofit corporation in connection with its curriculum, work, care, treatment and study of men, women, or children with intellectual disabilities shall also be exempt from taxation, provided that such corporation conducts and maintains research or professional training facilities for the care and training of men, women, or children with intellectual disabilities; provided, in case of all the foregoing, the buildings, or the lands on which they stand, or the associations, corporations or institutions using and occupying them as aforesaid, are not conducted for profit, except that the exemption of the buildings and lands used for charitable, benevolent or religious purposes shall extend to cases where the charitable, benevolent or religious work therein carried on is supported partly by fees and charges received from or on behalf of beneficiaries using or occupying the buildings; provided the building is wholly controlled by and the entire income therefrom is used for said charitable, benevolent or religious purposes; and any tract of land purchased pursuant to subsection (n) of section 21 of P.L.1971, c.199 (C.40A:12-21), and located within a municipality, actually used for the cultivation and sale of fresh fruits and vegetables and owned by a duly incorporated nonprofit organization or association which includes among its principal purposes the cultivation and sale of fresh fruits and vegetables, other than a political, partisan, sectarian, denominational or religious organization or association. The foregoing exemption shall apply only where the association, corporation or institution claiming the exemption owns the property in question and is incorporated or organized under the laws of this State and authorized to carry out the purposes on account of which the exemption is claimed or where an educational institution, as provided herein, has leased said property to a historical society or association or to a corporation organized for such purposes and created under or otherwise subject to the provisions of Title 15 of the Revised Statutes or Title 15A of the New Jersey Statutes.

As used in this section "hospital purposes" includes health care facilities for the elderly, such as nursing homes; residential health care facilities; assisted living residences; facilities with a Class C license pursuant to P.L.1979, c.496 (C.55:13B-1 et al.), the "Rooming and Boarding House Act of 1979"; similar facilities that provide medical, nursing or personal care services to their residents; and that portion of the central administrative or service facility of a continuing care retirement community that is reasonably allocable as a health care facility for the elderly.

6. 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 or exempt status of the taxpayer's property or a taxing district which may feel discriminated against by the assessed valuation or exempt status of property in the taxing district, or by the assessed valuation or exempt status 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), a property located in a county operating under the "Property Tax Assessment

Reform Act," P.L.2009, c.118 (C.54:1-86 et seq.), or a property located in a county that has adopted, by resolution, the provisions of section 1 of P.L.2018, c.94 (C.54:1-105), and except as provided in subsection b. of this section, a taxpayer feeling aggrieved by the assessed valuation or exempt status of the taxpayer's property or a taxing district which may feel discriminated against by the assessed valuation or exempt status of property in the taxing district, or by the assessed valuation or exempt status 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.

7. This act shall take effect immediately, except that section 4 of the bill shall be retroactive and apply to tax years 2014, 2015, 2016, 2017, 2018, 2019, and 2020 only.

Approved February 22, 2021.

CHAPTER 18

AN ACT concerning hospital licensure to perform certain cardiac procedures, amending P.L.1992, c.160, 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-7.22 Definitions relative to hospital licensure to perform certain cardiac procedures.

1. As used in P.L.2021, c.18 (C.26:2H-7.22 et al.):

“Angioplasty” or “percutaneous coronary intervention” means the mechanical reopening of an occluded vessel in the heart or corona using a balloon-tipped catheter.

“Applicant hospital” means a general hospital that has entered into a collaboration agreement with a cardiac surgery center licensed in New Jersey.

“Application” means all information required by the commissioner of an applicant hospital to determine compliance with P.L.2021, c.18 (C.26:2H-7.22 et al.).

“C-PORT-E study” means the Atlantic Cardiovascular Patient Outcomes Research Team Elective Angioplasty Study clinical trial.

“Collaboration agreement” means an agreement between a licensed cardiac surgery center and a general hospital that includes:

(1) written protocols for enrolled patients who require transfer to, and receipt at, a cardiac surgery center’s operating room within one hour of the determination of the need for such transfer, including the emergency transfer of patients who require an intra-aortic balloon pump;

(2) regular consultation between the two hospitals on individual cases, including use of technology to share case information in a rapid manner; and

(3) evidence of adequate cardiac surgery on-call backup.

“Commissioner” means the Commissioner of Health.

“Department” means the Department of Health.

"Elective angioplasty" means an angioplasty or percutaneous coronary intervention performed on a non-emergent basis.

"Full service adult diagnostic cardiac catheterization facility" means an acute care general hospital that provides invasive cardiac diagnostic services to adult patients without cardiac surgery backup, is equipped with laboratories, and performs at least 250 cardiac catheterizations each year.

"Primary angioplasty" means an angioplasty or percutaneous coronary intervention performed on an acute or emergent basis.

C.26:2H-7.23 Application, issuance of license as cardiac surgery center.

2. a. An applicant hospital may apply to the commissioner for a license to provide full service adult diagnostic cardiac catheterization services. The commissioner shall issue a license pursuant to such application to any hospital that:

- (1) is not licensed as a cardiac surgery center;
- (2) demonstrates the ability to provide full service adult diagnostic catheterization services consistent with national standards of care and current best practices;
- (3) commencing in the second year of licensure pursuant to this subsection, and in each year thereafter, performs at least 250 catheterizations per year, with each interventional cardiologist performing at least 50 catheterizations per year; and
- (4) meets such other requirements as the commissioner may establish by regulation including, but not limited to, participation in the department's data collection programs and in national registries such as the National Cardiovascular Data Registry to monitor quality, outcomes, and compliance with State regulations.

b. An applicant hospital may apply to the commissioner for a license to provide primary angioplasty services. The commissioner shall issue a license pursuant to such application to any hospital that:

- (1) is not licensed as a cardiac surgery center;
- (2) has been licensed for at least six months pursuant to subsection a. of this section to provide full service adult diagnostic catheterization services;
- (3) demonstrates the ability to consistently provide primary angioplasty services 24 hours per day and seven days per week, consistent with national standards of care and current best practices; and
- (4) meets such other requirements as the commissioner may establish by regulation.

c. An applicant hospital may apply to the commissioner for a license to provide elective angioplasty services. The commissioner shall issue a license pursuant to such application to any hospital that:

(1) is not licensed as a cardiac surgery center;

(2) holds licensure to participate in the C-PORT-E study or the Elective Angioplasty Demonstration Project, or is an applicant hospital licensed by the department to provide primary angioplasty services pursuant to subsection b. of this section;

(3) demonstrates the ability to provide elective angioplasty services consistent with the provisions of N.J.A.C.8:33-3.11 or any successor regulation, as well as national standards of care and current best practices, including ensuring that all patients considered for elective angioplasty undergo careful selection, screening, and risk stratification pursuant to requirements promulgated by the department by regulation, and ensuring that patients who do not meet such screening criteria are transferred to an appropriate cardiac surgery facility for elective angioplasty;

(4) commencing in the second year of licensure pursuant to this subsection, and in each year thereafter, performs a minimum of 200 angioplasty procedures per year, with each interventional cardiologist performing at least 50 angioplasty procedures per year; and

(5) meets such other requirements as the commissioner may establish by regulation.

d. (1) A hospital issued a license pursuant to subsection a. or b. of this section that fails to meet the qualification requirements for that license shall be subject to corrective administrative action or other remedial action as the commissioner may establish by regulation, including, but not limited to, submitting a corrective action plan to the department for approval and meeting any benchmarks or deadlines for compliance as may be required by the department.

(2) A hospital issued a license pursuant to subsection c. of this section shall have two years to meet the volume requirements set forth in paragraph (4) of subsection c. of this section. A hospital that fails to meet or maintain the qualification requirements for that license, including the volume requirements set forth in paragraph (4) of subsection c. of this section, shall be subject to corrective administrative action or other remedial action as the commissioner may establish by regulation, including, but not limited to, submitting a corrective action plan to the department for approval and meeting any benchmarks or deadlines for compliance as may be required by the department. If a hospital that has entered into a corrective action plan pursuant to this subsection fails to meet and maintain the qualification requirements for a license issued pursuant to subsection c. of this section, including attaining the volume requirements set forth in paragraph (4) of subsection c. of this subsection, within two years after the hospital enters into a corrective action

plan, the hospital's license issued pursuant to subsection c. of this section shall be revoked.

e. The department may impose fines, suspend or revoke a license, require corrective administrative action or other remedial action, including requiring submission of a corrective action plan, or impose other lawful remedies against any entity issued a license pursuant to this section that violates any of the requirements of this section. Subject to the provisions of subsection d. of this section, the department may revoke the license of a hospital authorized to provide any cardiac service, including elective angioplasty, which fails to comply with the licensing requirements set forth in this section related to that license, including facility volume requirements, within two years after the date of licensure.

f. (1) Diagnostic cardiac catheterization and angioplasty programs in all cardiac surgery facilities shall meet such other requirements as the commissioner may establish by regulation including, but not limited to, participation in the department's data collection programs and in national registries such as the National Cardiovascular Data Registry to monitor quality, outcomes, and compliance with State regulations.

(2) A licensed cardiac surgery facility may request a waiver based on documented and continued accreditation by the Accreditation for Cardiovascular Excellence or by a national organization or association that meets similar standards specific to cardiac catheterization and percutaneous coronary intervention. Licensed facilities that seek accreditation shall provide the department with access to reports, site visits, site visit reviews, any notice related to compliance standards, and notices related to change of accreditation status.

g. The commissioner shall establish by regulation the application and renewal fees for licenses issued pursuant to this section, including a nonrefundable fee for initial licensure in the amount of at least \$5,000.

C.26:2H-7.24 Information furnished to patient by hospital.

3. Prior to performing any procedure authorized under a license issued pursuant to section 2 of P.L.2021, c.18 (C.26:2H-7.23) the applicant hospital shall furnish the following information to the patient and afford the patient the opportunity to review and consider such information before being asked to consent in writing to the procedure:

a. notice included with the informed consent form that the procedure is not being performed at a licensed cardiac surgery center, and in the event that the patient requires emergency cardiac surgery, the patient will be transferred to a licensed cardiac surgery center; and

b. details concerning the applicant hospital's plan and protocols for transferring patients who require emergency cardiac surgery, including the

name and location of the cardiac surgery center with which the applicant hospital has entered into a collaboration agreement.

The applicant hospital shall, upon request, furnish the patient with a written copy of the hospital's transfer protocols, including transportation and associated charges for transportation, and a summary of the collaboration agreement.

4. Section 19 of P.L.1992, c.160 (C.26:2H-7a) is amended to read as follows:

C.26:2H-7a Exemptions from certificate of need requirement.

19. Notwithstanding the provisions of section 7 of P.L.1971, c.136 (C.26:2H-7) to the contrary, the following are exempt from the certificate of need requirement:

- Community-based primary care centers;
- Outpatient drug and alcohol services;
- Hospital-based medical detoxification for drugs and alcohol;
- Ambulance and invalid coach services;
- Mental health services which are non-bed related outpatient services;
- Full service diagnostic catheterization services, primary angioplasty services, and elective angioplasty services in accordance with a license issued under section 2 of P.L.2021, c.18 (C.26:2H-7.23);
- Residential health care facility services;
- Dementia care homes;
- Capital improvements and renovations to health care facilities;
- Additions of medical/surgical, adult intensive care and adult critical care beds in hospitals;
- Inpatient special psychiatric beds used solely for services for patients with co-occurring mental health and substance use disorders;
- Replacement of existing major moveable equipment;
- Inpatient operating rooms;
- Alternate family care programs;
- Hospital-based subacute care;
- Ambulatory care facilities;
- Comprehensive outpatient rehabilitation services;
- Special child health clinics;
- New technology in accordance with the provisions of section 18 of P.L.1998, c.43 (C.26:2H-7d);
- Transfer of ownership interest except in the case of an acute care hospital;
- Change of site for approved certificate of need within the same county;
- Additions to vehicles or hours of operation of a mobile intensive care unit;

Relocation or replacement of a health care facility within the same county, except for an acute care hospital;

Continuing care retirement communities authorized pursuant to P.L.1986, c.103 (C.52:27D-330 et seq.);

Magnetic resonance imaging;

Adult day health care facilities;

Pediatric day health care facilities;

Chronic or acute renal dialysis facilities; and

Transfer of ownership of a hospital to an authority in accordance with P.L.2006, c.46 (C.30:9-23.15 et al.).

5. The Commissioner of Health may, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt such rules and regulations as shall be necessary to implement the provisions of this act.

6. This act shall take effect on the 90th day after the date of enactment, except that the Commissioner of Health may take anticipatory administrative action in advance as shall be necessary for the implementation of the provisions of this act.

Approved February 22, 2021.

CHAPTER 19

AN ACT concerning certain criminal and civil justice reforms, particularly addressing the legal consequences associated with certain marijuana and hashish offenses as well as raising awareness of available expungement relief, and amending and supplementing various parts of the statutory law.

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

1. N.J.S.2C:35-5 is amended to read as follows:

Manufacturing, distributing or dispensing.

2C:35-5. Manufacturing, Distributing or Dispensing. a. Except as authorized by P.L.1970, c.226 (C.24:21-1 et seq.), it shall be unlawful for any person knowingly or purposely:

(1) To manufacture, distribute or dispense, or to possess or have under his control with intent to manufacture, distribute or dispense, a controlled dangerous substance or controlled substance analog; or

(2) To create, distribute, or possess or have under his control with intent to distribute, a counterfeit controlled dangerous substance.

b. Any person who violates subsection a. with respect to:

(1) Heroin, or its analog, or coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, or analogs, except that the substances shall not include decocainized coca leaves or extractions which do not contain cocaine or ecogine, or 3,4-methylenedioxymethamphetamine or 3,4-methylenedioxyamphetamine, in a quantity of five ounces or more including any adulterants or dilutants is guilty of a crime of the first degree. The defendant shall, except as provided in N.J.S.2C:35-12, be sentenced to a term of imprisonment by the court. The term of imprisonment shall include the imposition of a minimum term which shall be fixed at, or between, one-third and one-half of the sentence imposed, during which the defendant shall be ineligible for parole. Notwithstanding the provisions of subsection a. of N.J.S.2C:43-3, a fine of up to \$500,000 may be imposed;

(2) A substance referred to in paragraph (1) of this subsection, in a quantity of one-half ounce or more but less than five ounces, including any adulterants or dilutants is guilty of a crime of the second degree;

(3) A substance referred to in paragraph (1) of this subsection in a quantity less than one-half ounce including any adulterants or dilutants is guilty of a crime of the third degree except that, notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a fine of up to \$75,000 may be imposed;

(4) A substance classified as a narcotic drug in Schedule I or II other than those specifically covered in this section, or the analog of any such substance, in a quantity of one ounce or more including any adulterants or dilutants is guilty of a crime of the second degree;

(5) A substance classified as a narcotic drug in Schedule I or II other than those specifically covered in this section, or the analog of any such substance, in a quantity of less than one ounce including any adulterants or dilutants is guilty of a crime of the third degree except that, notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a fine of up to \$75,000 may be imposed;

(6) Lysergic acid diethylamide, or its analog, in a quantity of 100 milligrams or more including any adulterants or dilutants, or phencyclidine, or its analog, in a quantity of 10 grams or more including any adulterants or dilutants, is guilty of a crime of the first degree. Except as provided in

N.J.S.2C:35-12, the court shall impose a term of imprisonment which shall include the imposition of a minimum term, fixed at, or between, one-third and one-half of the sentence imposed by the court, during which the defendant shall be ineligible for parole. Notwithstanding the provisions of subsection a. of N.J.S.2C:43-3, a fine of up to \$500,000 may be imposed;

(7) Lysergic acid diethylamide, or its analog, in a quantity of less than 100 milligrams including any adulterants or dilutants, or where the amount is undetermined, or phencyclidine, or its analog, in a quantity of less than 10 grams including any adulterants or dilutants, or where the amount is undetermined, is guilty of a crime of the second degree;

(8) Methamphetamine, or its analog, or phenyl-2-propanone (P2P), in a quantity of five ounces or more including any adulterants or dilutants is guilty of a crime of the first degree. Notwithstanding the provisions of subsection a. of N.J.S.2C:43-3, a fine of up to \$300,000 may be imposed;

(9) (a) Methamphetamine, or its analog, or phenyl-2-propanone (P2P), in a quantity of one-half ounce or more but less than five ounces including any adulterants or dilutants is guilty of a crime of the second degree;

(b) Methamphetamine, or its analog, or phenyl-2-propanone (P2P), in a quantity of less than one-half ounce including any adulterants or dilutants is guilty of a crime of the third degree except that notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a fine of up to \$75,000 may be imposed;

(10) (a) Marijuana in a quantity of 25 pounds or more including any adulterants or dilutants, or 50 or more marijuana plants, regardless of weight, or hashish in a quantity of five pounds or more including any adulterants or dilutants, is guilty of a crime of the first degree. Notwithstanding the provisions of subsection a. of N.J.S.2C:43-3, a fine of up to \$300,000 may be imposed;

(b) Marijuana in a quantity of five pounds or more but less than 25 pounds including any adulterants or dilutants, or 10 or more but fewer than 50 marijuana plants, regardless of weight, or hashish in a quantity of one pound or more but less than five pounds, including any adulterants and dilutants, is guilty of a crime of the second degree;

(11) (a) Prior to the effective date of P.L.2021, c.19 (C.2C:35-23.1 et al.), marijuana in a quantity of one ounce or more but less than five pounds including any adulterants or dilutants, or hashish in a quantity of five grams or more but less than one pound including any adulterants or dilutants, is guilty of a crime of the third degree except that, notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a fine of up to \$25,000 may be imposed;

(b) On and after the effective date of P.L.2021, c.19 (C.2C:35-23.1 et al.), marijuana in a quantity of more than one ounce but less than five pounds including any adulterants or dilutants, or hashish in a quantity of more than five

grams but less than one pound including any adulterants or dilutants, is guilty of a crime of the third degree except that, notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a fine of up to \$25,000 may be imposed;

(12) (a) Prior to the effective date of P.L.2021, c.19 (C.2C:35-23.1 et al.), marijuana in a quantity of less than one ounce including any adulterants or dilutants, or hashish in a quantity of less than five grams including any adulterants or dilutants, is guilty of a crime of the fourth degree;

(b) On and after the effective date of P.L.2021, c.19 (C.2C:35-23.1 et al.), marijuana in a quantity of one ounce or less including any adulterants or dilutants, or hashish in a quantity of five grams or less including any adulterants or dilutants, is, for a first offense, subject to a written warning, which also indicates that any subsequent violation is a crime punishable by a term of imprisonment, a fine, or both, and for a second or subsequent offense, is guilty of a crime of the fourth degree;

(i) The odor of marijuana or hashish, or burnt marijuana or hashish, shall not constitute reasonable articulable suspicion to initiate a search of a person to determine a violation of subparagraph (b) of paragraph (12) of this subsection. A person who violates this subparagraph shall not be subject to arrest, detention, or otherwise be taken into custody, unless the person is being arrested, detained, or otherwise taken into custody for also committing another violation of law for which that action is legally permitted or required;

(ii) A person shall not be deprived of any legal or civil right, privilege, benefit, or opportunity provided pursuant to any law solely by reason of committing a violation of subparagraph (b) of paragraph (12) of this subsection, nor shall committing one or more violations modify any legal or civil right, privilege, benefit, or opportunity provided pursuant to any law, including, but not limited to, the granting, renewal, forfeiture, or denial of a license, permit, or certification, qualification for and the receipt, alteration, continuation, or denial of any form of financial assistance, housing assistance, or other social services, rights of or custody by a biological parent, or adoptive or foster parent, or other legal guardian of a child or newborn infant, or pregnant woman, in any action or proceeding by the Division of Child Protection and Permanency in the Department of Children and Families, or qualification, approval, or disapproval to serve as a foster parent or other legal guardian;

(iii) All local and county law enforcement authorities shall, following the submission process used for the uniform crime reporting system established by P.L.1966, c.37 (C.52:17B-5.1 et seq.), submit a quarterly report to the Uniform Crime Reporting Unit, within the Division of State Police in the Department of Law and Public Safety, or to another designated recipient determined by the Attorney General, containing the number of violations of

subparagraph (b) of paragraph (12) of this subsection committed within their respective jurisdictions, plus the race, ethnicity, gender, and age of each person committing a violation, and the disposition of each person's violation. These violations and associated information, along with a quarterly summary of violations investigated, and associated information collected, by the Division of State Police for the same period shall be summarized by county and municipality in an annual report, and both quarterly summaries and annual reports shall be made available at no cost to the public on the Division of State Police's Internet website;

(13) Any other controlled dangerous substance classified in Schedule I, II, III or IV, or its analog, is guilty of a crime of the third degree, except that, notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a fine of up to \$25,000 may be imposed; or

(14) Any Schedule V substance, or its analog, is guilty of a crime of the fourth degree except that, notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a fine of up to \$25,000 may be imposed.

c. Where the degree of the offense for violation of this section depends on the quantity of the substance, the quantity involved shall be determined by the trier of fact, other than with respect to a first violation of subparagraph (b) of paragraph (12) of subsection b. of this section which is subject to a written warning as set forth in that subparagraph. Where the indictment or accusation so provides, the quantity involved in individual acts of manufacturing, distribution, dispensing or possessing with intent to distribute may be aggregated in determining the grade of the offense, whether distribution or dispensing is to the same person or several persons, provided that each individual act of manufacturing, distribution, dispensing or possession with intent to distribute was committed within the applicable statute of limitations.

2. N.J.S.2C:35-10 is amended to read as follows:

Possession, use or being under the influence, or failure to make lawful disposition.

2C:35-10. Possession, Use or Being Under the Influence, or Failure to Make Lawful Disposition.

a. It is unlawful for any person, knowingly or purposely, to obtain, or to possess, actually or constructively, a controlled dangerous substance or controlled substance analog, unless the substance was obtained directly, or pursuant to a valid prescription or order form from a practitioner, while acting in the course of his professional practice, or except as otherwise authorized by P.L.1970, c.226 (C.24:21-1 et seq.). Any person who violates this section with respect to:

(1) A controlled dangerous substance, or its analog, classified in Schedule I, II, III or IV other than those specifically covered in this section, is guilty of a crime of the third degree except that, notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a fine of up to \$35,000 may be imposed;

(2) Any controlled dangerous substance, or its analog, classified in Schedule V, is guilty of a crime of the fourth degree except that, notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a fine of up to \$15,000 may be imposed;

(3) (a) Prior to the effective date of P.L.2021, c.19 (C.2C:35-23.1 et al.), possession of more than 50 grams of marijuana, including any adulterants or dilutants, or more than five grams of hashish is guilty of a crime of the fourth degree, except that, notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a fine of up to \$25,000 may be imposed;

(b) On and after to the effective date of P.L.2021, c.19 (C.2C:35-23.1 et al.), possession of more than six ounces of marijuana, including any adulterants or dilutants, or more than 17 grams of hashish is guilty of a crime of the fourth degree, except that, notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a fine of up to \$25,000 may be imposed;

(i) The odor of marijuana or hashish, or burnt marijuana or hashish, shall not constitute reasonable articulable suspicion to initiate a search of a person to determine a violation of subparagraph (b) of paragraph (3) of this subsection. A person who violates this paragraph shall not be subject to arrest, detention, or otherwise be taken into custody, unless the person is being arrested, detained, or otherwise taken into custody for also committing another violation of law for which that action is legally permitted or required;

(ii) A person shall not be deprived of any legal or civil right, privilege, benefit, or opportunity provided pursuant to any law solely by reason of committing a violation of subparagraph (b) of paragraph (3) of this subsection, nor shall committing one or more violations modify any legal or civil right, privilege, benefit, or opportunity provided pursuant to any law, including, but not limited to, the granting, renewal, forfeiture, or denial of a license, permit, or certification, qualification for and the receipt, alteration, continuation, or denial of any form of financial assistance, housing assistance, or other social services, rights of or custody by a biological parent, or adoptive or foster parent, or other legal guardian of a child or newborn infant, or pregnant woman, in any action or proceeding by the Division of Child Protection and Permanency in the Department of Children and Families, or qualification, approval, or disapproval to serve as a foster parent or other legal guardian;

(iii) All local and county law enforcement authorities shall, following the submission process used for the uniform crime reporting system established by P.L.1966, c.37 (C.52:17B-5.1 et seq.), submit a quarterly report to the Uniform Crime Reporting Unit, within the Division of State Police in the Department of Law and Public Safety, or to another designated recipient determined by the Attorney General, containing the number of violations of subparagraph (b) of paragraph (3) of this subsection committed within their respective jurisdictions, plus the race, ethnicity, gender, and age of each person committing a violation, and the disposition of each person's violation. These violations and associated information, along with a quarterly summary of violations investigated, and associated information collected, by the Division of State Police for the same period shall be summarized by county and municipality in an annual report, and both quarterly summaries and annual reports shall be made available at no cost to the public on the Division of State Police's Internet website; or

(4) (a) Prior to the effective date of P.L.2021, c.19 (C.2C:35-23.1 et al.), possession of 50 grams or less of marijuana, including any adulterants or dilutants, or five grams or less of hashish is a disorderly person;

(b) On and after the effective date of P.L.2021, c.19 (C.2C:35-23.1 et al.), possession of six ounces or less of marijuana, including any adulterants or dilutants, or 17 grams or less of hashish is not subject to any punishment, as this possession is not a crime, offense, act of delinquency, or civil violation of law; or

(5) Possession of one ounce or less of psilocybin is a disorderly persons offense.

Any person who commits any offense set forth in paragraphs (1) through (3) of this subsection while on any property used for school purposes which is owned by or leased to any elementary or secondary school or school board, or within 1,000 feet of any such school property or a school bus, or while on any school bus, and who is not sentenced to a term of imprisonment, shall, in addition to any other sentence which the court may impose, be required to perform not less than 100 hours of community service.

b. (1) Any person who uses or who is under the influence of any controlled dangerous substance, or its analog, not including marijuana or hashish, for a purpose other than the treatment of sickness or injury as lawfully prescribed or administered by a physician is a disorderly person.

In a prosecution under this subsection, it shall not be necessary for the State to prove that the accused did use or was under the influence of any specific, prohibited drug, but it shall be sufficient for a conviction under this subsection for the State to prove that the accused did use or was under the

influence of some prohibited controlled dangerous substance, counterfeit controlled dangerous substance, or controlled substance analog, by proving that the accused did manifest physical and physiological symptoms or reactions caused by the use of any prohibited controlled dangerous substance or controlled substance analog.

(2) Notwithstanding that using or being under the influence of marijuana or hashish is not a punishable crime, offense, act of delinquency, or civil violation pursuant to this subsection, the smoking, vaping, or aerosolizing of marijuana or hashish may be prohibited or otherwise regulated on or in any property by the person or entity that owns or controls that property, including multifamily housing that is a multiple dwelling as defined in section 3 of P.L.1967, c.76 (C.55:13A-3), the structure or specific units of the structure of a cooperative as defined in section 3 of P.L.1987, c.381 (C.46:8D-3), the units of a condominium, as those terms are defined by section 3 of P.L.1969, c.257 (C.46:8B-3), or a site in a mobile home park as defined in section 3 of P.L.1983, c.386 (C.40:55D-102), which site is leased to the owner of a manufactured home, as defined in that section, that is installed thereon.

c. Any person who knowingly obtains or possesses a controlled dangerous substance or controlled substance analog in violation of paragraph (1) or (2) of subsection a. of this section and who fails to voluntarily deliver the substance to the nearest law enforcement officer is guilty of a disorderly persons offense. Nothing in this subsection shall be construed to preclude a prosecution or conviction for any other offense defined in this title or any other statute.

3. N.J.S.2C:36-2 is amended to read as follows:

Use or possession with intent to use.

2C:36-2. a. Use or possession with intent to use. It shall be unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, ingest, inhale, or otherwise introduce into the human body a controlled dangerous substance, controlled substance analog or toxic chemical in violation of the provisions of chapter 35 of this title, other than when used, or possessed with intent to use, for ingesting, inhaling, or otherwise introducing marijuana or hashish into the human body. Any person who violates this section is guilty of a disorderly persons offense.

b. Notwithstanding that using or possessing with intent to use drug paraphernalia to ingest, inhale, or otherwise introduce marijuana or hashish into the human body is not a punishable crime, offense, act of delinquency, or

civil violation pursuant to this section, the use of drug paraphernalia for that purpose may be prohibited or otherwise regulated on or in any property by the person or entity that owns or controls that property, including multifamily housing that is a multiple dwelling as defined in section 3 of P.L.1967, c.76 (C.55:13A-3), the structure or specific units of the structure of a cooperative as defined in section 3 of P.L.1987, c.381 (C.46:8D-3), the units of a condominium, as those terms are defined by section 3 of P.L.1969, c.257 (C.46:8B-3), or a site in a mobile home park as defined in section 3 of P.L.1983, c.386 (C.40:55D-102), which site is leased to the owner of a manufactured home, as defined in that section, that is installed thereon.

C.2C:35-23.1 Prosecutor shall not pursue certain charges.

4. a. Except to the extent required to dismiss, withdraw, or terminate the charge, no prosecutor shall pursue any charge, including any charge of delinquency, based on crimes or offenses pending with a court on the first day of the fifth month next following the effective date of P.L.2021, c.16 (C.24:6I-31 et al.) that occurred prior to that effective date, involving manufacturing, distributing, or dispensing, or possessing or having under control with intent to manufacture, distribute, or dispense, marijuana or hashish in violation of paragraph (12) of subsection b. of N.J.S.2C:35-5, or obtaining, possessing, using, being under the influence of, or failing to make lawful disposition of marijuana or hashish in violation of paragraph (3) or (4) of subsection a., or subsection b., or subsection c. of N.J.S.2C:35-10, or a violation involving marijuana or hashish as described herein and a violation of N.J.S.2C:36-2 for using or possessing with intent to use drug paraphernalia with that marijuana or hashish, alone or in combination with each other, or a violation involving marijuana or hashish and a violation of section 1 of P.L.1964, c.289 (C.39:4-49.1) for possession of a controlled dangerous substance while operating a motor vehicle, alone or in combination with each other, or any disorderly persons offense or petty disorderly persons offense subject to conditional discharge pursuant to N.J.S.2C:36A-1. These non-prosecutable charges and cases shall be expeditiously dismissed, which may be accomplished by appropriate action by the prosecutor based upon guidelines issued by the Attorney General, or the court's own motion based upon administrative directives issued by the Administrative Director of the Courts.

b. (1) On the first day of the fifth month next following the effective date of P.L.2021, c.16 (C.24:6I-31 et al.), any guilty verdict, plea, placement in a diversionary program, or other entry of guilt on a matter that was entered prior to that effective date, but the judgment of conviction or final disposition on the matter was not entered prior to that date, and the guilty verdict, plea, placement

in a diversionary program, or other entry of guilt solely involved one or more crimes or offenses, or delinquent acts which if committed by an adult would constitute one or more crimes or offenses, enumerated in subsection a. of this section, that guilty verdict, plea, placement in a diversionary program, or other entry of guilt shall be vacated by operation of law. The Administrative Director of the Courts, in consultation with the Attorney General, may take any administrative action as may be necessary to vacate the guilty verdict, plea, placement in a diversionary program, or other entry of guilt.

(2) On the first day of the fifth month next following the effective date of P.L.2021, c.16 (C.24:6I-31 et al.), any conviction, remaining sentence, ongoing supervision, or unpaid court-ordered financial assessment as defined in section 8 of P.L.2017, c.244 (C.2C:52-23.1) of any person who, on that effective date, is or will be serving a sentence of incarceration, probation, parole or other form of community supervision as a result of the person's conviction or adjudication of delinquency solely for one or more crimes or offenses, or delinquent acts which if committed by an adult would constitute one or more crimes or offenses, enumerated in subsection a. of this section, shall have the conviction, remaining sentence, ongoing supervision, or unpaid court-ordered financial assessment vacated by operation of law. The Administrative Director of the Courts, in consultation with the Attorney General, may take any administrative action as may be necessary to vacate the conviction, remaining sentence, ongoing supervision, or unpaid court-ordered financial assessment.

C.2C:52-6.1 Certain crimes expunged by operation of law.

5. On the first day of the fifth month next following the effective date of P.L.2021, c.16 (C.24:6I-31 et al.), any case that, prior to that effective date, includes a conviction or adjudication of delinquency solely for one or more crimes or offenses involving manufacturing, distributing, or dispensing, or possessing or having under control with intent to manufacture, distribute, or dispense, marijuana or hashish in violation of paragraph (12) of subsection b. of N.J.S.2C:35-5, or obtaining, possessing, using, being under the influence of, or failing to make lawful disposition of marijuana or hashish in violation of paragraph (3) or (4) of subsection a., or subsection b., or subsection c. of N.J.S.2C:35-10, or a violation involving marijuana or hashish as described herein and a violation of N.J.S.2C:36-2 for using or possessing with intent to use drug paraphernalia with that marijuana or hashish, alone or in combination with each other, or any disorderly persons offense or petty disorderly persons offense subject to conditional discharge pursuant to N.J.S.2C:36A-1, shall be expunged by operation of law, and any remaining

sentence, ongoing supervision, or unpaid court-ordered financial assessment as defined in section 8 of P.L.2017, c.244 (C.2C:52-23.1) shall be vacated by operation of law. The Administrative Director of the Courts, in consultation with the Attorney General, may take any administrative action as may be necessary to expeditiously effectuate the expungement of records associated with any expunged matter.

6. Section 6 of P.L.2019, c.269 (C.2C:52-5.2) is amended to read as follows:

C.2C:52-5.2 System for sealing records from the public.

6. a. (1) No later than three months after the effective date of this section, the Administrative Office of the Courts shall develop and maintain a system for sealing records from the public, upon order of a court, pertaining to offenses or delinquent acts involving marijuana or hashish as described in this section. Once the system is developed, unless otherwise provided by law, a court shall order the nondisclosure to the public of the records of the court and probation services, and records of law enforcement agencies with respect to any arrest, conviction, or adjudication of delinquency, and any proceedings related thereto, upon disposition of any case occurring on or after the development of the system for sealing records that solely includes the following convictions or adjudications of delinquency:

(a) any number of offenses for, or delinquent acts which if committed by an adult would constitute, manufacturing, distributing, or dispensing, or possessing or having under control with intent to manufacture, distribute, or dispense, marijuana or hashish in violation of paragraph (12) of subsection b. of N.J.S.2C:35-5, or a violation of that paragraph and a violation of subsection a. of section 1 of P.L.1987, c.101 (C.2C:35-7) or subsection a. of section 1 of P.L.1997, c.327 (C.2C:35-7.1) for distributing, or possessing or having under control with intent to distribute, on or within 1,000 feet of any school property, or on or within 500 feet of the real property comprising a public housing facility, public park, or public building; or

(b) any number of offenses for, or delinquent acts which if committed by an adult would constitute, obtaining or possessing marijuana or hashish in violation of paragraph (3) of subsection a. of N.J.S.2C:35-10.

(c) (Deleted by amendment, P.L.2021, c.19)

(2) If the disposition of the case includes a court-ordered financial assessment subject to collection under the comprehensive enforcement program established pursuant to P.L.1995, c.9 (C.2B:19-1 et al.), then at the time of issuing the sealing order, the court shall also enter a civil judgment for the unpaid portion of

the court-ordered financial assessment in the name of the Treasurer, State of New Jersey and transfer collections and disbursement responsibility to the State Treasurer for the outstanding amount in accordance with section 8 of P.L.2017, c.244 (C.2C:52-23.1). The term "court-ordered financial assessment" as used herein means and includes any fine, fee, penalty, restitution, and other form of financial assessment imposed by the court as part of the sentence for the conviction or convictions that are the subject of the sealing order, for which payment of restitution takes precedence in accordance with chapter 46 of Title 2C of the New Jersey Statutes. The Treasurer may specify, and the Administrative Office of the Courts shall collaborate with, the technical and informational standards required to effectuate the transfer of the collection and disbursement responsibilities. Notwithstanding any provision in this law or any other law to the contrary, the court shall have sole discretion to amend the judgment.

b. Notice of the sealing order issued pursuant to subsection a. of this section shall be provided to:

(1) The Attorney General, county prosecutor, or municipal prosecutor handling the case; and

(2) The State Police and any local law enforcement agency having custody of the files and records.

c. Upon the entry of a sealing order issued pursuant to subsection a. of this section, the proceedings in the case shall be sealed and all index references shall be marked "not available" or "no record." Law enforcement agencies shall reply to requests for information or records of a person subject to a sealing order that there is no information or records. The person may also reply to any inquiry that there is no information or record, except that information subject to a sealing order shall be revealed by that person if seeking employment within the judicial branch or with a law enforcement or corrections agency, and the information shall continue to provide a disability to the extent provided by law.

d. Records subject to a sealing order issued pursuant to subsection a. of this section may be maintained for purposes of prior offender status, identification, and law enforcement purposes, provided that the records shall not be considered whenever the Pretrial Services Program established by the Administrative Office of the Courts pursuant to section 11 of P.L.2014, c.31 (C.2A:162-25) conducts a risk assessment on an eligible defendant for the purpose of making recommendations to the court concerning an appropriate pretrial release decision in accordance with sections 1 through 11 of P.L.2014, c.31 (C.2A:162-15 et seq.) or used for sentencing purposes in any other case.

7. Section 3 of P.L.2014, c.31 (C.2A:162-17) is amended to read as follows:

C.2A:162-17 Consideration for pretrial release.

3. Except as otherwise provided under sections 4 and 5 of P.L.2014, c.31 (C.2A:162-18 and C.2A:162-19) concerning a hearing on pretrial detention, a court shall make, pursuant to this section, a pretrial release decision for an eligible defendant without unnecessary delay, but in no case later than 48 hours after the eligible defendant's commitment to jail.

a. The court shall order the pretrial release of the eligible defendant on personal recognizance or on the execution of an unsecured appearance bond when, after considering all the circumstances, the Pretrial Services Program's risk assessment and recommendations on conditions of release prepared pursuant to section 11 of P.L.2014, c.31 (C.2A:162-25), and any information that may be provided by a prosecutor or the eligible defendant, the court finds that the release would reasonably assure the eligible defendant's appearance in court when required, the protection of the safety of any other person or the community, and that the eligible defendant will not obstruct or attempt to obstruct the criminal justice process.

b. (1) If the court does not find, after consideration, that the release described in subsection a. of this section will reasonably assure the eligible defendant's appearance in court when required, the protection of the safety of any other person or the community, and that the eligible defendant will not obstruct or attempt to obstruct the criminal justice process, the court may order the pretrial release of the eligible defendant subject to the following:

(a) the eligible defendant shall not commit any offense during the period of release;

(b) the eligible defendant shall avoid all contact with an alleged victim of the crime;

(c) the eligible defendant shall avoid all contact with all witnesses who may testify concerning the offense that are named in the document authorizing the eligible defendant's release or in a subsequent court order; and

(d) any one or more non-monetary conditions as set forth in paragraph (2) of this subsection.

(2) The non-monetary condition or conditions of a pretrial release ordered by the court pursuant to this paragraph shall be the least restrictive condition, or combination of conditions, that the court determines will reasonably assure the eligible defendant's appearance in court when required, the protection of the safety of any other person or the community, and that the eligible defendant will not obstruct or attempt to obstruct the criminal justice process, which may include that the eligible defendant:

(a) remain in the custody of a designated person, who agrees to assume supervision and to report any violation of a release condition to the court, if

the designated person is able to reasonably assure the court that the eligible defendant will appear in court when required, will not pose a danger to the safety of any other person or the community, and will not obstruct or attempt to obstruct the criminal justice process;

(b) maintain employment, or, if unemployed, actively seek employment;

(c) maintain or commence an educational program;

(d) abide by specified restrictions on personal associations, place of abode, or travel;

(e) report on a regular basis to a designated law enforcement agency, or other agency, or pretrial services program;

(f) comply with a specified curfew;

(g) refrain from possessing a firearm, destructive device, or other dangerous weapon;

(h) refrain from excessive use of alcohol, or any unlawful use of a narcotic drug or other controlled substance without a prescription by a licensed medical practitioner;

(i) undergo available medical, psychological, or psychiatric treatment, including treatment for drug or alcohol dependency, and remain in a specified institution if required for that purpose;

(j) return to custody for specified hours following release for employment, schooling, or other limited purposes;

(k) be placed in a pretrial home supervision capacity with or without the use of an approved electronic monitoring device. The court may order the eligible defendant to pay all or a portion of the costs of the electronic monitoring, but the court may waive the payment for an eligible defendant who is indigent and who has demonstrated to the court an inability to pay all or a portion of the costs; or

(l) satisfy any other condition that is necessary to reasonably assure the eligible defendant's appearance in court when required, the protection of the safety of any other person or the community, and that the eligible defendant will not obstruct or attempt to obstruct the criminal justice process, which shall not include any prohibition or restriction concerning manufacturing, distributing, or dispensing, or possessing or having under control with intent to manufacture, distribute, or dispense, marijuana or hashish in violation of paragraph (12) of subsection b. of N.J.S.2C:35-5, or possession of marijuana or hashish in violation of paragraph (3) of subsection a. of N.J.S.2C:35-10.

c. (1) If the court does not find, after consideration, that the release described in subsection a. or b. of this section will reasonably assure the eligible defendant's appearance in court when required, the court may order the pre-

trial release of the eligible defendant on monetary bail, other than an unsecured appearance bond. The court may only impose monetary bail pursuant to this subsection to reasonably assure the eligible defendant's appearance. The court shall not impose the monetary bail to reasonably assure the protection of the safety of any other person or the community or that the eligible defendant will not obstruct or attempt to obstruct the criminal justice process, or for the purpose of preventing the release of the eligible defendant.

(2) If the eligible defendant is unable to post the monetary bail imposed by the court pursuant to this subsection, and for that reason remains detained in jail, the provisions of section 8 of P.L.2014, c.31 (C.2A:162-22) shall apply to the eligible defendant.

d. (1) If the court does not find, after consideration, that the release described in subsection a., b., or c. will reasonably assure the eligible defendant's appearance in court when required, the protection of the safety of any other person or the community, and that the eligible defendant will not obstruct or attempt to obstruct the criminal justice process, the court may order the pretrial release of the eligible defendant using a combination of non-monetary conditions as set forth in subsection b. of this section, and monetary bail as set forth in subsection c. of this section.

(2) If the eligible defendant is unable to post the monetary bail imposed by the court in combination with non-monetary conditions pursuant to this subsection, and for that reason remains detained in jail, the provisions of section 8 of P.L.2014, c.31 (C.2A:162-22) shall apply to the eligible defendant.

e. For purposes of the court's consideration for pretrial release described in this section, with respect to whether the particular method of release will reasonably assure that the eligible defendant will not obstruct or attempt to obstruct the criminal justice process, this reasonable assurance may be deemed to exist if the prosecutor does not provide the court with information relevant to the risk of whether the eligible defendant will obstruct or attempt to obstruct the criminal justice process.

8. Section 6 of P.L.2014, c.31 (C.2A:162-20) is amended to read as follows:

C.2A:162-20 Information considered in determination of pretrial detention.

6. In determining in a pretrial detention hearing whether no amount of monetary bail, non-monetary conditions or combination of monetary bail and conditions would reasonably assure the eligible defendant's appearance in court when required, the protection of the safety of any other person or the

community, or that the eligible defendant will not obstruct or attempt to obstruct the criminal justice process, the court may take into account information concerning:

- a. The nature and circumstances of the offense charged;
- b. The weight of the evidence against the eligible defendant, except that the court may consider the admissibility of any evidence sought to be excluded;
- c. The history and characteristics of the eligible defendant, including:
 - (1) the eligible defendant's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearances at court proceedings, except with respect to these factors, the court shall not consider manufacturing, distributing, or dispensing, or possessing or having under control with intent to manufacture, distribute, or dispense, marijuana or hashish in violation of paragraph (12) of subsection b. of N.J.S.2C:35-5, or possession of marijuana or hashish in violation of paragraph (3) of subsection a. of N.J.S.2C:35-10; and
 - (2) whether, at the time of the current offense or arrest, the eligible defendant was on probation, parole, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense under federal law, or the law of this or any other state;
- d. The nature and seriousness of the danger to any other person or the community that would be posed by the eligible defendant's release, if applicable;
- e. The nature and seriousness of the risk of obstructing or attempting to obstruct the criminal justice process that would be posed by the eligible defendant's release, if applicable; and
- f. The release recommendation of the pretrial services program obtained using a risk assessment instrument under section 11 of P.L.2014, c.31 (C.2A:162-25).

9. Section 10 of P.L.2014, c.31 (C.2A:162-24) is amended to read as follows:

C.2A:162-24 Violation of condition of release, motion by prosecutor.

10. a. Upon motion of a prosecutor, when an eligible defendant is released from custody before trial pursuant to section 3 or 8 of P.L.2014, c.31 (C.2A:162-17 or C.2A:162-22), the court, upon a finding that the eligible defendant while on release has violated a restraining order or condition of release, or upon a finding of probable cause to believe that the eligible defendant has committed a new crime while on release, may not revoke the eligible defendant's release and order that the eligible defendant be detained

pending trial unless the court, after considering all relevant circumstances including but not limited to the nature and seriousness of the violation or criminal act committed, finds clear and convincing evidence that no monetary bail, non-monetary conditions of release or combination of monetary bail and conditions would reasonably assure the eligible defendant's appearance in court when required, the protection of the safety of any other person or the community, or that the eligible defendant will not obstruct or attempt to obstruct the criminal justice process.

b. A court shall not revoke an eligible defendant's release and order that the eligible defendant be detained pending trial based on manufacturing, distributing, or dispensing, or possessing or having under control with intent to manufacture, distribute, or dispense, marijuana or hashish in violation of paragraph (12) of subsection b. of N.J.S.2C:35-5, or possession of marijuana or hashish in violation of paragraph (3) of subsection a. of N.J.S.2C:35-10.

10. Section 11 of P.L.2014, c.31 (C.2A:162-25) is amended to read as follows:

C.2A:162-25 Statewide Pretrial Services Program; risk assessment instrument.

11. a. The Administrative Director of the Courts shall establish and maintain a Statewide Pretrial Services Program which shall provide pretrial services to effectuate the purposes of sections 1 through 11 of P.L.2014, c.31 (C.2A:162-15 et seq.).

b. The Pretrial Services Program shall, after an eligible defendant is temporarily detained pursuant to subsection a. of section 2 of P.L.2014, c.31 (C.2A:162-16) following the issuance of a complaint-warrant, conduct a risk assessment on that eligible defendant for the purpose of making recommendations to the court concerning an appropriate pretrial release decision, including whether the eligible defendant shall be: released on the eligible defendant's own personal recognizance or on execution of an unsecured appearance bond; released on a non-monetary condition or conditions as set forth under subsection b. of section 3 of P.L.2014, c.31 (C.2A:162-17); released on monetary bail, other than an unsecured appearance bond; released on a combination of monetary bail and non-monetary conditions set forth under section 3 of P.L.2014, c.31 (C.2A:162-17); or any other conditions necessary to effectuate the purposes of sections 1 through 11 of P.L.2014, c.31 (C.2A:162-15 et seq.). The risk assessment shall be completed and presented to the court so that the court can, without unnecessary delay, but in no case later than 48 hours after the eligible defendant's commitment to jail, make a pretrial release decision on the eligible defendant pursuant to section 3 of P.L.2014, c.31 (C.2A:162-17).

c. The pretrial risk assessment shall be conducted using a risk assessment instrument approved by the Administrative Director of the Courts that meets the requirements of this subsection.

(1) (a) The approved risk assessment instrument shall be objective, standardized, and developed based on analysis of empirical data and risk factors relevant to the risk of failure to appear in court when required and the danger to the community while on pretrial release. The risk assessment instrument shall not be required to include factors specifically pertaining to the risk for obstructing or attempting to obstruct the criminal justice process.

(b) The approved risk assessment instrument shall not consider a charge, including any charge of delinquency, conviction, or adjudication of delinquency, or civil penalty if the act was an unlawful act and not a crime or offense, based on a violation of any of the following, as risk factors relevant to the risk of failure to appear in court when required and the danger to the community while on pretrial release: manufacturing, distributing, or dispensing, or possessing or having under control with intent to manufacture, distribute, or dispense, marijuana or hashish in violation of paragraph (11) of subsection b. of N.J.S.2C:35-5, or a lesser amount of marijuana or hashish in violation of paragraph (12) of subsection b. of that section; or a violation of either of those paragraphs and a violation of subsection a. of section 1 of P.L.1987, c.101 (C.2C:35-7) or subsection a. of section 1 of P.L.1997, c.327 (C.2C:35-7.1) for distributing, dispensing, or possessing with intent to distribute or dispense, on or within 1,000 feet of any school property, or on or within 500 feet of the real property comprising a public housing facility, public park, or public building; or obtaining, possessing, using, being under the influence of, or failing to make lawful disposition of marijuana or hashish in violation of paragraph (3) or (4) of subsection a., or subsection b., or subsection c. of N.J.S.2C:35-10; or a violation involving marijuana or hashish as described herein and a violation of N.J.S.2C:36-2 for using or possessing with intent to use drug paraphernalia with that marijuana or hashish.

(2) The approved risk assessment instrument shall gather demographic information about the eligible defendant including, but not limited to, race, ethnicity, gender, financial resources, and socio-economic status. Recommendations for pretrial release shall not be discriminatory based on race, ethnicity, gender, or socio-economic status.

d. In addition to the pretrial risk assessments made pursuant to this section, the Pretrial Services Program shall monitor appropriate eligible defendants released on conditions as ordered by the court.

11. N.J.S.2C:45-1 is amended to read as follows:

Conditions of suspension or probation.**2C:45-1. Conditions of Suspension or Probation.**

a. (1) When the court suspends the imposition of sentence on a person who has been convicted of an offense or sentences him to be placed on probation, it shall attach such reasonable conditions, authorized by this section, as it deems necessary to insure that he will lead a law-abiding life or is likely to assist him to do so. These conditions may be set forth in a set of standardized conditions promulgated by the county probation department and approved by the court.

(2) The following shall not be prohibited or restricted based on any conditions imposed pursuant to this section: manufacturing, distributing, or dispensing, or possessing or having under control with intent to manufacture, distribute, or dispense, marijuana or hashish in violation of paragraph (12) of subsection b. of N.J.S.2C:35-5; or possession of marijuana or hashish in violation of paragraph (3) of subsection a. of N.J.S.2C:35-10.

b. The court, as a condition of its order, may require the defendant:

- (1) To support his dependents and meet his family responsibilities;
- (2) To find and continue in gainful employment;
- (3) To undergo available medical or psychiatric treatment and to enter and remain in a specified institution, when required for that purpose;
- (4) To pursue a prescribed secular course of study or vocational training;
- (5) To attend or reside in a facility established for the instruction, recreation or residence of persons on probation;
- (6) To refrain from frequenting unlawful or disreputable places or consorting with disreputable persons;
- (7) Not to have in his possession any firearm or other dangerous weapon unless granted written permission;
- (8) (Deleted by amendment, P.L.1991, c.329);
- (9) To remain within the jurisdiction of the court and to notify the court or the probation officer of any change in his address or his employment;
- (10) To report as directed to the court or the probation officer, to permit the officer to visit his home, and to answer all reasonable inquiries by the probation officer;
- (11) To pay a fine;
- (12) To satisfy any other conditions reasonably related to the rehabilitation of the defendant and not unduly restrictive of his liberty or incompatible with his freedom of conscience;
- (13) To require the performance of community-related service; and
- (14) To be subject to Internet access conditions pursuant to paragraph (2) of subsection d. of this section.

In addition to any condition of probation, the court may enter an order prohibiting a defendant who is convicted of a sex offense from having any contact with the victim including, but not limited to, entering the victim's residence, place of employment or business, or school, and from harassing or stalking the victim or victim's relatives in any way, and may order other protective relief as provided in section 2 of P.L.2007, c.133 (C.2C:14-12).

c. The court, as a condition of its order, shall require the defendant to pay any assessments required by section 2 of P.L.1979, c.396 (C.2C:43-3.1) and shall, consistent with the applicable provisions of N.J.S.2C:43-3, N.J.S.2C:43-4 and N.J.S.2C:44-2 or section 1 of P.L.1983, c.411 (C.2C:43-2.1) require the defendant to make restitution.

d. (1) In addition to any condition imposed pursuant to subsection b. or c., the court shall order a person placed on probation to pay a fee, not exceeding \$25.00 per month for the probationary term, to probation services for use by the State, except as provided in subsection g. of this section. This fee may be waived in cases of indigency upon application by the chief probation officer to the sentencing court.

(2) In addition to any conditions imposed pursuant to subsection b. or c., the court may order a person who has been convicted or adjudicated delinquent of a sex offense as defined in subsection b. of section 2 of P.L.1994, c.133 (C.2C:7-2), and who is required to register as provided in subsections c. and d. of section 2 of P.L.1994, c.133 (C.2C:7-2), or who has been convicted or adjudicated delinquent for a violation of N.J.S.2C:34-3 to be subject to any of the following Internet access conditions:

(a) Prohibit the person from accessing or using a computer or any other device with Internet capability without the prior written approval of the court, except the person may use a computer or any other device with Internet capability in connection with that person's employment or search for employment with the prior approval of the person's probation officer;

(b) Require the person to submit to periodic unannounced examinations of the person's computer or any other device with Internet capability by a probation officer, law enforcement officer or assigned computer or information technology specialist, including the retrieval and copying of all data from the computer or device and any internal or external peripherals and removal of such information, equipment or device to conduct a more thorough inspection;

(c) Require the person to submit to the installation on the person's computer or device with Internet capability, at the person's expense, one or more hardware or software systems to monitor the Internet use; and

(d) Require the person to submit to any other appropriate restrictions concerning the person's use or access of a computer or any other device with Internet capability.

e. When the court sentences a person who has been convicted of a crime to be placed on probation, it may require him to serve a term of imprisonment not exceeding 364 days as an additional condition of its order. When the court sentences a person convicted of a disorderly persons offense to be placed on probation, it may require him to serve a term of imprisonment not exceeding 90 days as an additional condition of its order. In imposing a term of imprisonment pursuant to this subsection, the sentencing court shall specifically place on the record the reasons which justify the sentence imposed. The term of imprisonment imposed hereunder shall be treated as part of the sentence, and in the event of a sentence of imprisonment upon the revocation of probation, the term of imprisonment served hereunder shall be credited toward service of such subsequent sentence. A term of imprisonment imposed under this section shall be governed by the "Parole Act of 1979," P.L.1979, c.441 (C.30:4-123.45 et al.).

Whenever a person is serving a term of parole as a result of a sentence of incarceration imposed as a condition of probation, supervision over that person shall be maintained pursuant to the provisions of the law governing parole. Upon termination of the period of parole supervision provided by law, the county probation department shall assume responsibility for supervision of the person under sentence of probation. Nothing contained in this section shall prevent the sentencing court from at any time proceeding under the provisions of this chapter against any person for a violation of probation.

f. The defendant shall be given a copy of the terms of his probation or suspension of sentence and any requirements imposed pursuant to this section, stated with sufficient specificity to enable him to guide himself accordingly. The defendant shall acknowledge, in writing, his receipt of these documents and his consent to their terms.

g. Of the moneys collected under the provisions of subsection d. of this section, \$15.00 of each monthly fee collected before January 1, 1995 shall be deposited in the temporary reserve fund created by section 25 of P.L.1993, c.275, and \$10.00 of each shall be deposited into a "Community Service Supervision Fund" which shall be established by each county. The moneys in the "Community Service Supervision Fund" shall be expended only in accordance with the provisions of State law as shall be enacted to provide for expenditures from this fund for the purpose of supervising and monitoring probationers performing community service to ensure, by whatever means necessary and appropriate, that probationers are performing the community

service ordered by the court and that the performance is in the manner and under the terms ordered by the court.

12. N.J.S.2C:45-3 is amended to read as follows:

Summons or arrest of defendant under suspended sentence or on probation; commitment without bail; revocation and resentence.

2C:45-3. a. At any time before the discharge of the defendant or the termination of the period of suspension or probation:

(1) The court may summon the defendant to appear before it or may issue a warrant for his arrest;

(2) A probation officer or peace officer, upon request of the chief probation officer or otherwise having probable cause to believe that the defendant has failed to comply with a requirement imposed as a condition of the order or that he has committed another offense, may arrest him without a warrant;

(3) The court, if there is probable cause to believe that the defendant has committed another offense or if he has been held to answer therefor, may commit him without bail, pending a determination of the charge by the court having jurisdiction thereof;

(4) The court, if satisfied that the defendant has inexcusably failed to comply with a substantial requirement imposed as a condition of the order or if he has been convicted of another offense, may revoke the suspension or probation and sentence or resentence the defendant, as provided in this section. No revocation of suspension or probation shall be based on: (a) failure to pay a fine or make restitution, unless the failure was willful; or (b) manufacturing, distributing, or dispensing, or possessing or having under control with intent to manufacture, distribute, or dispense, marijuana or hashish in violation of paragraph (12) of subsection b. of N.J.S.2C:35-5, or possession of marijuana or hashish in violation of paragraph (3) of subsection a. of N.J.S.2C:35-10.

b. When the court revokes a suspension or probation, it may impose on the defendant any sentence that might have been imposed originally for the offense of which he was convicted.

c. The commencement of a probation revocation proceeding shall toll the probationary period until termination of such proceedings. In the event that the court does not find a violation of probation, this subsection shall not operate to toll the probationary period.

13. Section 15 of P.L.1979, c.441 (C.30:4-123.59) is amended to read as follows:

C.30:4-123.59 Legal custody and supervision; conditions.

15. a. Each adult parolee shall at all times remain in the legal custody of the Commissioner of Corrections and under the supervision of the State Parole Board, except that the Commissioner of Corrections, after providing notice to the Attorney General, may consent to the supervision of a parolee by the federal government pursuant to the Witness Security Reform Act, Pub.L.98-473 (18 U.S.C. s.3521 et seq.). An adult parolee, except those under the Witness Security Reform Act, shall remain under the supervision of the State Parole Board and in the legal custody of the Department of Corrections in accordance with the policies and rules of the board.

b. (1) (a) Each parolee shall agree, as evidenced by his signature to abide by specific conditions of parole established by the appropriate board panel which shall be enumerated in writing in a certificate of parole and shall be given to the parolee upon release. Such conditions shall include, among other things, a requirement that the parolee conduct himself in society in compliance with all laws and refrain from committing any crime, a requirement that the parolee will not own or possess any firearm as defined in subsection f. of N.J.S.2C:39-1 or any other weapon enumerated in subsection r. of N.J.S.2C:39-1, a requirement that the parolee refrain from the unlawful use, or the possession or distribution of a controlled dangerous substance, controlled substance analog or imitation controlled dangerous substance as defined in N.J.S.2C:35-2 and N.J.S.2C:35-11, other than possession of marijuana or hashish in violation of paragraph (3) of subsection a. of N.J.S.2C:35-10, and distribution of marijuana or hashish in violation of paragraph (12) of subsection b. of N.J.S.2C:35-5, a requirement that the parolee obtain permission from his parole officer for any change in his residence, and a requirement that the parolee report at reasonable intervals to an assigned parole officer. In addition, based on prior history of the parolee or information provided by a victim or a member of the family of a murder victim, the member or board panel certifying parole release pursuant to section 11 of P.L.1979, c.441 (C.30:4-123.55) may impose any other specific conditions of parole deemed reasonable in order to reduce the likelihood of recurrence of criminal or delinquent behavior, including a requirement that the parolee comply with the Internet access conditions set forth in paragraph (2) of this subsection. Such special conditions may include, among other things, a requirement that the parolee make full or partial restitution, the amount of which restitution shall be set by the sentencing court upon request of the board. In addition, the member or board panel certifying parole release may, giving due regard to a victim's request, impose a special condition that the parolee have no contact with the victim, which special condition may include, but need not be limited to, restraining the parolee from

entering the victim's residence, place of employment, business or school, and from harassing or stalking the victim or victim's relatives in any way. Further, the member, board panel or board certifying parole release may impose a special condition that the person shall not own or possess an animal for an unlawful purpose or to interfere in the performance of duties by a parole officer.

(b) The member or board panel certifying parole release shall not impose on any parolee any condition that would prohibit or restrict manufacturing, distributing, or dispensing, or possessing or having under control with intent to manufacture, distribute, or dispense, marijuana or hashish in violation of paragraph (12) of subsection b. of N.J.S.2C:35-5, or possession of marijuana or hashish in violation of paragraph (3) of subsection a. of N.J.S.2C:35-10.

(2) In addition, the member or board panel certifying parole release may impose on any person who has been convicted for the commission of a sex offense as defined in subsection b. of section 2 of P.L.1994, c.133 (C.2C:7-2), and who is required to register as provided in subsections c. and d. of section 2 of P.L.1994, c.133 (C.2C:7-2), or who has been convicted for a violation of N.J.S.2C:34-3 any of the following Internet access conditions:

(a) Prohibit the person from accessing or using a computer or any other device with Internet capability without the prior written approval of the court, except the person may use a computer or any other device with Internet capability in connection with that person's employment or search for employment with the prior approval of the person's parole officer;

(b) Require the person to submit to periodic unannounced examinations of the person's computer or any other device with Internet capability by a parole officer, law enforcement officer or assigned computer or information technology specialist, including the retrieval and copying of all data from the computer or device and any internal or external peripherals and removal of such information, equipment or device to conduct a more thorough inspection;

(c) Require the person to submit to the installation on the person's computer or device with Internet capability, at the person's expense, one or more hardware or software systems to monitor the Internet use; and

(d) Require the person to submit to any other appropriate restrictions concerning the person's use or access of a computer or any other device with Internet capability.

c. The appropriate board panel may in writing relieve a parolee of any parole conditions, and may permit a parolee to reside outside the State pursuant to the provisions of the Uniform Act for Out-of-State Parolee Supervision (N.J.S.2A:168-14 et seq.) and, with the consent of the Commissioner of the Department of Corrections after providing notice to the Attorney General, the federal Witness Security Reform Act, if satisfied that the change will not

result in a substantial likelihood that the parolee will commit an offense which would be a crime under the laws of this State. The appropriate board panel may revoke permission, except in the case of a parolee under the Witness Security Reform Act, or reinstate relieved parole conditions for any period of time during which a parolee is under its jurisdiction.

d. The appropriate board panel may parole an inmate to any residential facility funded in whole or in part by the State if the inmate would not otherwise be released pursuant to section 9 of P.L.1979, c.441 (C.30:4-123.53) without such placement. But if the residential facility provides treatment for mental illness or mental retardation, the board panel only may parole the inmate to the facility pursuant to the laws and admissions policies that otherwise govern the admission of persons to that facility, and the facility shall have the authority to discharge the inmate according to the laws and policies that otherwise govern the discharge of persons from the facility, on 10 days' prior notice to the board panel. The board panel shall acknowledge receipt of this notice in writing prior to the discharge. Upon receipt of the notice the board panel shall resume jurisdiction over the inmate.

e. Parole officers shall provide assistance to the parolee in obtaining employment, education, or vocational training or in meeting other obligations to assure the parolee's compliance with meeting legal requirements related to sex offender notification, address changes and participation in rehabilitation programs as directed by the assigned parole officer.

f. (Deleted by amendment, P.L.2019, c.363)

g. If the board has granted parole to any inmate from a State correctional facility and the court has imposed a fine on the inmate, the appropriate board panel shall release the inmate on condition that the parolee make specified fine payments to the State Parole Board. For violation of these conditions, or for violation of a special condition requiring restitution, parole may be revoked only for refusal or failure to make a good faith effort to make the payment.

h. Upon collection of the fine the Department of Corrections shall forward it to the State Treasury.

14. Section 16 of P.L.1979, c.441 (C.30:4-123.60) is amended to read as follows:

C.30:4-123.60 Violation of parole conditions.

16. a. Any parolee who violates a condition of parole may be subject to an order pursuant to section 17 of P.L.1979, c.441 (C.30:4-123.61) providing for one or more of the following:

(1) that he be required to conform to one or more additional conditions of parole;

(2) that he forfeit all or a part of commutation time credits granted pursuant to R.S.30:4-140.

An order as described in this subsection shall not be based on manufacturing, distributing, or dispensing, or possessing or having under control with intent to manufacture, distribute, or dispense, marijuana or hashish in violation of paragraph (12) of subsection b. of N.J.S.2C:35-5, or possession of marijuana or hashish in violation of paragraph (3) of subsection a. of N.J.S.2C:35-10.

b. (1) Any parolee who has seriously or persistently violated the conditions of his parole, may have his parole revoked and may be returned to custody pursuant to sections 18 and 19 of P.L.1979, c.441 (C.30:4-123.62 and 30:4-123.63). The board shall be notified immediately upon the arrest or indictment of a parolee or upon the filing of charges that the parolee committed an act which, if committed by an adult, would constitute a crime. The board shall not revoke parole on the basis of new charges which have not resulted in a disposition at the trial level except that upon application by the prosecuting authority or the Director of the State Parole Board's Division of Parole or his designee, the chairman of the board or his designee may at any time detain the parolee and commence revocation proceedings pursuant to sections 18 and 19 of P.L.1979, c.441 (C.30:4-123.62 and 30:4-123.63) when the chairman determines that the new charges against the parolee are of a serious nature and it appears that the parolee otherwise poses a danger to the public safety. In such cases, a parolee shall be informed that, if he testifies at the revocation proceedings, his testimony and the evidence derived therefrom shall not be used against him in a subsequent criminal prosecution.

(2) An action to revoke parole as described in this subsection shall not be based on manufacturing, distributing, or dispensing, or possessing or having under control with intent to manufacture, distribute, or dispense, marijuana or hashish in violation of paragraph (12) of subsection b. of N.J.S.2C:35-5, or possession of marijuana or hashish in violation of paragraph (3) of subsection a. of N.J.S.2C:35-10.

c. The parole of any parolee who is convicted of a crime committed while on parole shall be revoked and the parolee shall be returned to custody unless the parolee demonstrates, by clear and convincing evidence at a hearing pursuant to section 19 of P.L.1979, c.441 (C.30:4-123.63), that good cause exists why the parolee should not be returned to confinement.

C.34:6B-21 Certain offenses not to be considered in making employment decision; violations, penalties.

15. a. An employer shall not be permitted to, when making an employment decision, rely solely on, or require any applicant to disclose or reveal, or take any adverse action against any applicant for employment solely on the basis of, any arrest, charge, conviction, or adjudication of delinquency, for manufacturing, distributing, or dispensing, or possessing or having under control with intent to manufacture, distribute, or dispense, marijuana or hashish in violation of paragraph (11) of subsection b. of N.J.S.2C:35-5, or a lesser amount of marijuana or hashish in violation of paragraph (12) of subsection b. of that section, or a violation of either of those paragraphs and a violation of subsection a. of section 1 of P.L.1987, c.101 (C.2C:35-7) or subsection a. of section 1 of P.L.1997, c.327 (C.2C:35-7.1) for distributing, dispensing, or possessing with intent to distribute or dispense, on or within 1,000 feet of any school property, or on or within 500 feet of the real property comprising a public housing facility, public park, or public building, or obtaining, possessing, using, being under the influence of, or failing to make lawful disposition of marijuana or hashish in violation of paragraph (3) or (4) of subsection a., or subsection b., or subsection c. of N.J.S.2C:35-10, or a violation involving marijuana or hashish as described herein and a violation of N.J.S.2C:36-2 for using or possessing with intent to use drug paraphernalia with that marijuana or hashish, or an arrest, charge, conviction, or adjudication of delinquency under the laws of another state or of the United States of a crime or offense, which, if committed in this State, would be a violation of any of the aforementioned crimes or offenses, regardless of when any such arrest, charge, conviction, or adjudication of delinquency occurred, unless the employment sought or being considered is for a position in law enforcement, corrections, the judiciary, homeland security, or emergency management.

b. Any employer who commits an act in violation of this section shall be liable for a civil penalty in an amount not to exceed \$1,000 for the first violation, \$5,000 for the second violation, and \$10,000 for each subsequent violation, which shall be collectible by the Commissioner of Labor and Workforce Development in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The penalties set forth in this subsection shall be the sole remedy provided for violations of this section.

c. Nothing set forth in this section shall be construed as creating or establishing a standard of care or duty for employers with respect to any other law. Evidence that an employer has violated, or is alleged to have violated, the provisions of this section, shall not be admissible in any legal proceeding with respect to any law or claim other than a proceeding to enforce the provisions

of this section. Nothing set forth in this section shall be construed as creating, establishing, or authorizing a private cause of action by an aggrieved person against an employer who has violated, or is alleged to have violated, the provisions of this section.

C.17:16F-11.1 Certain offenses shall not cause discrimination when applying for mortgage; violations, penalties.

16. a. A person that makes a mortgage loan in this State shall not discriminate against an applicant in accepting an application, granting, withholding, extending, modifying or renewing, or in the fixing of the rates, terms, conditions, or provisions of any mortgage loan based on an applicant's arrest, charge, conviction, or adjudication of delinquency, for manufacturing, distributing, or dispensing, or possessing or having under control with intent to manufacture, distribute, or dispense, marijuana or hashish in violation of paragraph (11) of subsection b. of N.J.S.2C:35-5, or a lesser amount of marijuana or hashish in violation of paragraph (12) of subsection b. of that section, or a violation of either of those paragraphs and a violation of subsection a. of section 1 of P.L.1987, c.101 (C.2C:35-7) or subsection a. of section 1 of P.L.1997, c.327 (C.2C:35-7.1) for distributing, dispensing, or possessing with intent to distribute or dispense, on or within 1,000 feet of any school property, or on or within 500 feet of the real property comprising a public housing facility, public park, or public building, or obtaining, possessing, using, being under the influence of, or failing to make lawful disposition of marijuana or hashish in violation of paragraph (3) or (4) of subsection a., or subsection b., or subsection c. of N.J.S.2C:35-10, or a violation involving marijuana or hashish as described herein and a violation of N.J.S.2C:36-2 for using or possessing with intent to use drug paraphernalia with that marijuana or hashish, or an arrest, charge, conviction, or adjudication of delinquency under the laws of another state or of the United States of a crime or offense, which, if committed in this State, would be a violation of any of the aforementioned crimes or offenses, regardless of when any such arrest, charge, conviction, or adjudication of delinquency occurred.

b. Any applicant who has been discriminated against as a result of a violation of this section may bring an action in New Jersey in a court of competent jurisdiction. Upon finding that a person is in violation of this section, the court may award actual damages, reasonable attorneys' fees, and court costs.

c. The Commissioner of Banking and Insurance shall have the power to:

(1) Make such investigations into any matter pertaining to this section, including the power to hold hearings and issue subpoenas to compel the attendance of witnesses and the production of evidence. In case of a failure of

any person to comply with any subpoena, the Superior Court may issue an order requiring the attendance of such person and the giving of testimony or production of evidence. Any person failing to obey the court's order may be punished for contempt.

(2) Order a person found to be in violation of this section to cease its unlawful practices, subject to review, hearing, and relief in the Superior Court. A person that continues to violate the provisions of this act after having been ordered by the commissioner to cease such practices shall be liable to a penalty of \$10,000 for each offense instead of the penalty for a continuous violation set forth in section 10 of P.L.1977, c.1 (C.17:16F-10). This penalty may be collected in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). Except as set forth herein, the penalty provided by this section shall be in addition to and not in lieu of any other provision of law applicable upon a person's failure to comply with an order of the commissioner.

C.10:5-50 Discrimination in housing for certain offenses; violations, fines, penalties.

17. a. A person alleging discrimination in public or private housing, real property, or a place of public accommodation, based on a prior arrest, charge, conviction, or adjudication of delinquency, for manufacturing, distributing, or dispensing, or possessing or having under control with intent to manufacture, distribute, or dispense, marijuana or hashish in violation of paragraph (11) of subsection b. of N.J.S.2C:35-5, or a lesser amount of marijuana or hashish in violation of paragraph (12) of subsection b. of that section, or a violation of either of those paragraphs and a violation of subsection a. of section 1 of P.L.1987, c.101 (C.2C:35-7) or subsection a. of section 1 of P.L.1997, c.327 (C.2C:35-7.1) for distributing, dispensing, or possessing with intent to distribute or dispense, on or within 1,000 feet of any school property, or on or within 500 feet of the real property comprising a public housing facility, public park, or public building, or obtaining, possessing, using, being under the influence of, or failing to make lawful disposition of marijuana or hashish in violation of paragraph (3) or (4) of subsection a., or subsection b., or subsection c. of N.J.S.2C:35-10, or a violation involving marijuana or hashish as described herein and a violation of N.J.S.2C:36-2 for using or possessing with intent to use drug paraphernalia with that marijuana or hashish, or an arrest, charge, conviction, or adjudication of delinquency under the laws of another state or of the United States of a crime or offense which, if committed in this State, would be a violation of any of the aforementioned crimes or offenses, regardless of when any such arrest, charge, conviction, or adjudication of delinquency occurred, 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 this section, and not more than \$5,000 for each subsequent violation;

(2) an injunction to restrain the continued violation of subsection a. of this section;

(3) if the discrimination impacted the person's employment, and if applicable:

(a) reinstatement of the person to the same position of employment or to a position equivalent to that which the person held prior to unlawful discharge or retaliatory action;

(b) reinstatement of full fringe benefits and seniority rights; and

(c) compensation for any lost wages, benefits and other remuneration; and

(4) 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. The private cause of action provided for in this section shall be the sole remedy for a violation of this section.

18. Section 1 of P.L.1995, c.23 (C.47:1A-1.1) is amended to read as follows:

C.47:1A-1.1 Definitions.

1. As used in P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and supplemented:

"Biotechnology" means any technique that uses living organisms, or parts of living organisms, to make or modify products, to improve plants or animals, or to develop micro-organisms for specific uses; including the industrial use of recombinant DNA, cell fusion, and novel bioprocessing techniques.

"Custodian of a government record" or "custodian" means in the case of a municipality, the municipal clerk and in the case of any other public agency, the officer officially designated by formal action of that agency's director or governing body, as the case may be.

"Government record" or "record" means any paper, written or printed book, document, drawing, map, plan, photograph, microfilm, data processed or image processed document, information stored or maintained electronically or by sound-recording or in a similar device, or any copy thereof, that has been made, maintained or kept on file in the course of his or its official business by any officer, commission, agency or authority of the State or of any political

subdivision thereof, including subordinate boards thereof, or that has been received in the course of his or its official business by any such officer, commission, agency, or authority of the State or of any political subdivision thereof, including subordinate boards thereof. The terms shall not include inter-agency or intra-agency advisory, consultative, or deliberative material.

A government record shall not include the following information which is deemed to be confidential for the purposes of P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and supplemented:

- information received by a member of the Legislature from a constituent or information held by a member of the Legislature concerning a constituent, including but not limited to information in written form or contained in any e-mail or computer data base, or in any telephone record whatsoever, unless it is information the constituent is required by law to transmit;

- any memorandum, correspondence, notes, report or other communication prepared by, or for, the specific use of a member of the Legislature in the course of the member's official duties, except that this provision shall not apply to an otherwise publicly-accessible report which is required by law to be submitted to the Legislature or its members;

- any copy, reproduction or facsimile of any photograph, negative or print, including instant photographs and videotapes of the body, or any portion of the body, of a deceased person, taken by or for the medical examiner at the scene of death or in the course of a post mortem examination or autopsy made by or caused to be made by the medical examiner except:

 - when used in a criminal action or proceeding in this State which relates to the death of that person,

 - for the use as a court of this State permits, by order after good cause has been shown and after written notification of the request for the court order has been served at least five days before the order is made upon the county prosecutor for the county in which the post mortem examination or autopsy occurred,

 - for use in the field of forensic pathology or for use in medical or scientific education or research, or

 - for use by any law enforcement agency in this State or any other state or federal law enforcement agency;

 - criminal investigatory records;

 - the portion of any criminal record concerning a person's detection, apprehension, arrest, detention, trial or disposition for unlawful manufacturing, distributing, or dispensing, or possessing or having under control with intent to manufacture, distribute, or dispense, marijuana or hashish in violation of paragraph (11) of subsection b. of N.J.S.2C:35-5, or a lesser amount of ma-

marijuana or hashish in violation of paragraph (12) of subsection b. of that section, or a violation of either of those paragraphs and a violation of subsection a. of section 1 of P.L.1987, c.101 (C.2C:35-7) or subsection a. of section 1 of P.L.1997, c.327 (C.2C:35-7.1) for distributing, dispensing, or possessing, or having under control with intent to distribute or dispense, on or within 1,000 feet of any school property, or on or within 500 feet of the real property comprising a public housing facility, public park, or public building, or for obtaining, possessing, using, being under the influence of, or failing to make lawful disposition of marijuana or hashish in violation of paragraph (3) or (4) of subsection a., or subsection b., or subsection c. of N.J.S.2C:35-10, or for a violation of any of those provisions and a violation of N.J.S.2C:36-2 for using or possessing with intent to use drug paraphernalia with that marijuana or hashish;

victims' records, except that a victim of a crime shall have access to the victim's own records;

any written request by a crime victim for a record to which the victim is entitled to access as provided in this section, including, but not limited to, any law enforcement agency report, domestic violence offense report, and temporary or permanent restraining order;

personal firearms records, except for use by any person authorized by law to have access to these records or for use by any government agency, including any court or law enforcement agency, for purposes of the administration of justice;

personal identifying information received by the Division of Fish and Wildlife in the Department of Environmental Protection in connection with the issuance of any license authorizing hunting with a firearm. For the purposes of this paragraph, personal identifying information shall include, but not be limited to, identity, name, address, social security number, telephone number, fax number, driver's license number, email address, or social media address of any applicant or licensee;

trade secrets and proprietary commercial or financial information obtained from any source. For the purposes of this paragraph, trade secrets shall include data processing software obtained by a public body under a licensing agreement which prohibits its disclosure;

any record within the attorney-client privilege. This paragraph shall not be construed as exempting from access attorney or consultant bills or invoices except that such bills or invoices may be redacted to remove any information protected by the attorney-client privilege;

administrative or technical information regarding computer hardware, software and networks which, if disclosed, would jeopardize computer security;

emergency or security information or procedures for any buildings or facility which, if disclosed, would jeopardize security of the building or facility or persons therein;

security measures and surveillance techniques which, if disclosed, would create a risk to the safety of persons, property, electronic data or software;

information which, if disclosed, would give an advantage to competitors or bidders;

information generated by or on behalf of public employers or public employees in connection with any sexual harassment complaint filed with a public employer or with any grievance filed by or against an individual or in connection with collective negotiations, including documents and statements of strategy or negotiating position;

information which is a communication between a public agency and its insurance carrier, administrative service organization or risk management office;

information which is to be kept confidential pursuant to court order;

any copy of form DD-214, NGB-22, or that form, issued by the United States Government, or any other certificate of honorable discharge, or copy thereof, from active service or the reserves of a branch of the Armed Forces of the United States, or from service in the organized militia of the State, that has been filed by an individual with a public agency, except that a veteran or the veteran's spouse or surviving spouse shall have access to the veteran's own records;

any copy of an oath of allegiance, oath of office or any affirmation taken upon assuming the duties of any public office, or that oath or affirmation, taken by a current or former officer or employee in any public office or position in this State or in any county or municipality of this State, including members of the Legislative Branch, Executive Branch, Judicial Branch, and all law enforcement entities, except that the full name; title, and oath date of that person contained therein shall not be deemed confidential;

that portion of any document which discloses the social security number, credit card number, unlisted telephone number or driver license number of any person, or that portion of any document which discloses the home address, whether a primary or secondary residence, of any active, formerly active, or retired judicial officer or prosecutor, and beginning 18 months after the effective date of P.L.2020, c.125 (C.56:8-166.2 et al.), any active, formerly active, or retired law enforcement officer; except for use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf thereof, or any private person or entity seeking to enforce payment of court-ordered child support; except with respect to the disclosure of driver information by the New Jersey Motor

Vehicle Commission as permitted by section 2 of P.L.1997, c.188 (C.39:2-3.4); and except that a social security number contained in a record required by law to be made, maintained or kept on file by a public agency shall be disclosed when access to the document or disclosure of that information is not otherwise prohibited by State or federal law, regulation or order or by State statute, resolution of either or both houses of the Legislature, Executive Order of the Governor, rule of court or regulation promulgated under the authority of any statute or executive order of the Governor;

a list of persons identifying themselves as being in need of special assistance in the event of an emergency maintained by a municipality for public safety purposes pursuant to section 1 of P.L.2017, c.266 (C.40:48-2.67); and

a list of persons identifying themselves as being in need of special assistance in the event of an emergency maintained by a county for public safety purposes pursuant to section 6 of P.L.2011, c.178 (C.App.A:9-43.13).

A government record shall not include, with regard to any public institution of higher education, the following information which is deemed to be privileged and confidential:

pedagogical, scholarly and/or academic research records and/or the specific details of any research project conducted under the auspices of a public higher education institution in New Jersey, including, but not limited to research, development information, testing procedures, or information regarding test participants, related to the development or testing of any pharmaceutical or pharmaceutical delivery system, except that a custodian may not deny inspection of a government record or part thereof that gives the name, title, expenditures, source and amounts of funding and date when the final project summary of any research will be available;

test questions, scoring keys and other examination data pertaining to the administration of an examination for employment or academic examination;

records of pursuit of charitable contributions or records containing the identity of a donor of a gift if the donor requires non-disclosure of the donor's identity as a condition of making the gift provided that the donor has not received any benefits of or from the institution of higher education in connection with such gift other than a request for memorialization or dedication;

valuable or rare collections of books or documents obtained by gift, grant, bequest or 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.

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

"Member of the Legislature" means any person elected or selected to serve in the New Jersey Senate or General Assembly.

"Criminal investigatory record" means a record which is not required by law to be made, maintained or kept on file that is held by a law enforcement

agency which pertains to any criminal investigation or related civil enforcement proceeding.

"Victim's record" means an individually-identifiable file or document held by a victims' rights agency which pertains directly to a victim of a crime except that a victim of a crime shall have access to the victim's own records.

"Victim of a crime" means a person who has suffered personal or psychological injury or death or incurs loss of or injury to personal or real property as a result of a crime, or if such a person is deceased or incapacitated, a member of that person's immediate family.

"Victims' rights agency" means a public agency, or part thereof, the primary responsibility of which is providing services, including but not limited to food, shelter, or clothing, medical, psychiatric, psychological or legal services or referrals, information and referral services, counseling and support services, or financial services to victims of crimes, including victims of sexual assault, domestic violence, violent crime, child endangerment, child abuse or child neglect, and the Victims of Crime Compensation Board, established pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and continued as the Victims of Crime Compensation Office pursuant to P.L.2007, c.95 (C.52:4B-3.2 et al.) and Reorganization Plan No. 001-2008.

C.2B:1-14 Information about the expungement process, legal services programs.

19. The Administrative Director of the Courts shall maintain and provide information to any person upon request about the expungement process and legal services programs Statewide and in each county which may be available to assist the person with an expedited expungement pursuant to section 5 of P.L.2019, c.269 (C.2C:52-5.1) or a "clean slate" expungement pursuant to section 7 of P.L.2019, c.269 (C.2C:52-5.3).

C.2B:1-15 Development, maintenance of multilingual public aware campaign relative to expungement process.

20. a. (1) The Administrative Director of the Courts shall develop and maintain a multilingual public awareness campaign to promote awareness of the expungement process, including an expedited expungement pursuant to section 5 of P.L.2019, c.269 (C.2C:52-5.1) or a "clean slate" expungement pursuant to section 7 of P.L.2019, c.269 (C.2C:52-5.3), and the expungement e-filing system established pursuant to section 11 of P.L.2019, c.269 (C.2C:52-10.1), as well as information on State, local, non-profit and other private job training programs in consultation with the Department of Labor and Workforce Development, with a focus on assisting those persons eligible for the expedited expungement of their records pursuant to section 5 of

P.L.2019, c.269 (C.2C:52-5.1) or a “clean slate” expungement pursuant to section 7 of P.L.2019, c.269 (C.2C:52-5.3), respectively.

(2) The public awareness campaign shall, at a minimum, utilize electronic and print media, and shall make available electronically on an Internet website a petition form and a list of the supporting information necessary for an expungement, including an expedited or “clean slate” expungement pursuant to section 5 of P.L.2019, c.269 (C.2C:52-5.1) or section 7 of P.L.2019, c.269 (C.2C:52-5.3), respectively, using the expungement e-filing system once established pursuant to section 11 of P.L.2019, c.269 (C.2C:52-10.1).

(3) The petition and supporting information shall, at a minimum, be made available in English and Spanish.

b. The Administrative Director of the Courts shall include in the annual report on the activities of the Administrative Office of the Courts, prepared pursuant to N.J.S.2A:12-5, information about the activities and accomplishments of the public awareness campaign developed and maintained pursuant to subsection a. of this section, beginning no later than one year after the effective date of P.L.2021, c.19 (C.2C:35-23.1 et al.).

21. Sections 1 through 5 of this act shall take effect immediately, and the remaining sections of this act shall take effect on the same date as the date that actions occur on matters based on provisions in any sections in P.L.2021, c.16 (C. 24:6I-31 et al.), in which those actions are to occur on the first day of the fifth month next following the date of enactment of that act.

Approved February 22, 2021.

CHAPTER 20

AN ACT requiring all creditors that acquire title to certain residential property following foreclosure to notify the municipality and any common interest community, and amending P.L.2011, c.222.

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

1. Section 1 of P.L.2011, c.222 (C.46:10B-51.1) is amended to read as follows:

C.46:10B-51.1 Certain owners of foreclosed property required to file contact information.

1. The owner of any non-owner occupied residential property who takes title to the property as the result of a sheriff's sale or deed in lieu of foreclosure shall provide notice, within 10 business days, to the municipal clerk, or any other designated municipal official, of the municipality wherein the property is located, and to any association or common interest community, of which the residential property is a part, governed by the "Horizontal Property Act," P.L.1963, c.168 (C.46:8A-1 et seq.), the "Condominium Act," P.L.1969, c.257 (C.46:8B-1 et seq.), or "The Planned Real Estate Development Full Disclosure Act," P.L.1977, c.419 (C.45:22A-21 et seq.), providing the name and address of the owner. If the owner is not located within New Jersey, then the owner shall designate an agent within New Jersey, including the agent's address, who is authorized to accept service of process on behalf of the property owner.

2. This act shall take effect immediately.

Approved February 22, 2021.

CHAPTER 21

AN ACT concerning the financing of environmental infrastructure projects in Fiscal Year 2021 and amending P.L.2020, c.49.

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

1. Section 1 of P.L.2020, c.49 is amended to read as follows:

1. a. (1) There is appropriated to the Department of Environmental Protection from the "Clean Water State Revolving Fund," established pursuant to section 1 of P.L.2009, c.77, an amount equal to the federal fiscal year 2020 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 Environmental Financing Program Fund," established by the New Jersey Infrastructure Bank pursuant to subsection d. of section 9 of

P.L.1985, c.334 (C.58:11B-9), such amounts as may be necessary to supplement the sums appropriated from the Clean Water State Revolving Fund for the purposes of clean water project loans and providing the State match as may be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(3) There is appropriated to the Department of Environmental Protection from the "Disaster Relief Emergency Financing Program Fund," established by the New Jersey Infrastructure Bank pursuant to section 1 of P.L.2013, c.93 (C.58:11B-9.5), such amounts as may be necessary to supplement the sums appropriated from the Clean Water State Revolving Fund for the purposes of clean water project loans and providing the State match as may be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(4) There is appropriated to the Department 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 2020 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, pursuant to the "Water Infrastructure Funding Transfer Act," Pub.L.116-63, additional amounts as may be necessary to address a threat to public health, and an amount equal to the maximum amount authorized to be transferred is appropriated to the department for those purposes.

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

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

Notwithstanding any provision of P.L.2020, c.49, as amended by P.L.2021, c.21 to the contrary, the Department of Environmental Protection

is authorized to utilize funds from the Clean Water State Revolving Fund for the purposes of the Drinking Water State Revolving Fund, and may charge interest on loans made with such invested funds to the extent permitted by the Federal Clean Water Act and the Federal Safe Drinking Water Act.

(5) There is appropriated to the Department of Environmental Protection the unappropriated balances from the Clean Water State Revolving Fund, including the balances from the Federal Disaster Relief Appropriations Act, and any repayments of loans and interest therefrom, as may be available on or before June 30, 2021, for the purposes of clean water project loans and providing the State match as may be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(6) There is appropriated to the Department 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 may be available on or before June 30, 2021, for the purposes of clean water project loans and providing the State match as may be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(7) There is appropriated to the Department 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 may be available on or before June 30, 2021, for the purposes of clean water project loans and providing the State match as may be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(8) There is appropriated to the Department 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 may be available on or before June 30, 2021, for the purposes of clean water project loans and providing the State match as may be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(9) There is appropriated to the Department of Environmental Protection the unappropriated balances from the "Pinelands Infrastructure Trust Fund," established pursuant to section 14 of the "Pinelands Infrastructure Trust Bond Act of 1985," P.L.1985, c.302, and any repayments of loans and interest therefrom, as may be available on or before June 30, 2021, for the purposes of clean water project loans and drinking water project loans and providing the State match as may be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act and for drinking water projects pursuant to the Federal Safe Drinking Water Act.

(10) There is appropriated to the Department of Environmental Protection the unappropriated balances from the "Stormwater Management and Combined Sewer Overflow Abatement Fund," established pursuant to the "Stormwater Management and Combined Sewer Overflow Abatement Bond Act of 1989," P.L.1989, c.181, and any repayments of loans and interest therefrom, as may be available on or before June 30, 2021, for the purposes of clean water project loans and providing the State match as may be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(11) There is appropriated to the Department of Environmental Protection the unappropriated balances from the Drinking Water State Revolving Fund and any repayments of loans and interest therefrom, including the balances from the Federal Disaster Relief Appropriations Act as may be available on or before June 30, 2021, for the purposes of drinking water project loans.

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

(13) There is appropriated to the Department of Environmental Protection from the "Interim Environmental Financing Program Fund," established by the New Jersey Infrastructure Bank pursuant to subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9), such amounts as may be available on or before June 30, 2021, and any repayments of loans and interest therefrom, as may be necessary to supplement the sums appropriated from the Drinking Water State Revolving Fund for the purposes of drinking water project loans

and providing the State match as may be required for the award of the capitalization grants made available to the State for drinking water projects pursuant to the Federal Safe Drinking Water Act.

(14) There is appropriated to the Department of Environmental Protection from the "Disaster Relief Emergency Financing Program Fund," established by the New Jersey Infrastructure Bank pursuant to section 1 of P.L.2013, c.93 (C.58:11B-9.5), such amounts as may be necessary to supplement the sums appropriated from the Drinking Water State Revolving Fund for the purposes of drinking water project loans and providing the State match as may be required for the award of the capitalization grants made available to the State for drinking water projects pursuant to the Federal Safe Drinking Water Act.

(15) There is appropriated to the Department of Environmental Protection such amounts as may be received by the Department of Community Affairs, as the grantee from the United States Department of Housing and Urban Development Community Development Block Grant - Disaster Recovery Program (CDBG-DR), as may be available on or before June 30, 2021, for the purposes of CDBG-DR eligible clean water and drinking water project loans and providing the State match as may be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act and drinking water projects pursuant to the Federal Safe Drinking Water Act.

(16) There is appropriated to the Department of Environmental Protection such sums as may be available on or before June 30, 2021, as repayments of drinking water project loans and any interest therefrom from the "Water Supply Fund," established pursuant to section 14 of the "Water Supply Bond Act of 1981," P.L.1981, c.261, for the purposes of drinking water project loans and providing the State match as may be required for the award of the capitalization grants made available to the State for drinking water projects pursuant to the Federal Safe Drinking Water Act.

(17) Of the sums appropriated to the Department 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 available on or before June 30, 2021, in such amounts as needed to the Drinking Water State Revolving Fund accounts contained within the Water Supply Fund established for the purposes of providing drinking water project loans and providing the State match as may be required for the award of the capitalization grants made available to the State for drinking water projects pursuant to the Federal Safe Drinking Water Act.

(18) Of the sums appropriated to the Department 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 available on or before June 30, 2021, in such amounts as needed to the Clean Water State Revolving Fund accounts contained within the 1992 Wastewater Treatment Fund for the purposes of providing clean water project loans and providing the State match as may be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(19) Of the sums appropriated to the Department 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 available on or before June 30, 2021, in such amounts as needed to the Clean Water State Revolving Fund accounts contained within the 2003 Water Resources and Wastewater Treatment Fund for the purposes of providing clean water project loans and providing the State match as may be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(20) There is appropriated to the Department of Environmental Protection the sums deposited by the New Jersey Infrastructure Bank into the Clean Water State Revolving Fund, the "Wastewater Treatment Fund," the "1992 Wastewater Treatment Fund," the "Water Supply Fund," the "Stormwater Management and Combined Sewer Overflow Abatement Fund," established pursuant to the "Stormwater Management and Combined Sewer Overflow Abatement Bond Act of 1989," P.L.1989, c.181, the "2003 Water Resources and Wastewater Treatment Fund," and the Drinking Water State Revolving Fund, as appropriate, pursuant to paragraph (6) of subsection c. of section 1 of P.L.2020, c.48, as amended by P.L.2021, c.22, as may be available on or before June 30, 2021, for the purposes of providing clean water project loans and drinking water project loans and providing the State match as may be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act and for drinking water projects pursuant to the Federal Safe Drinking Water Act.

Any such amounts shall be for the purpose of making zero interest and principal forgiveness financing loans, to the extent sufficient funds are available, to or on behalf of local government units or public water utilities (hereinafter referred to as "project sponsors") to finance a portion of the cost of the

construction of clean water projects and drinking water projects listed in sections 2 and 3 of P.L.2021, c.22, and for the purpose of implementing and administering the provisions of P.L.2020, c.49, as amended by P.L.2021, c.21, to the extent permitted by the Federal Disaster Relief Appropriations Act, the Federal Clean Water Act, the Federal Safe Drinking Water Act, P.L.2009, c.77, the "Wastewater Treatment Bond Act of 1985," P.L.1985, c.329, the "Water Supply Bond Act of 1981," P.L.1981, c.261, the "Stormwater Management and Combined Sewer Overflow Abatement Bond Act of 1989," P.L.1989, c.181, the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, the "Dam, Lake, Stream, Flood Control, Water Resources, and the Wastewater Treatment Project Bond Act of 2003," P.L.2003, c.162, and any amendatory and supplementary acts thereto.

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

b. The department is authorized to make zero interest and principal forgiveness financing loans to or on behalf of the project sponsors for the environmental infrastructure projects listed in subsection a. of section 2 and subsection a. of section 3 of P.L.2020, c.49, as amended by P.L.2021, c.21 for clean water projects, up to the individual amounts indicated and in the priority stated, to the extent there are sufficient eligible project applications, except that any such amounts may be reduced if a project fails to meet the requirements of sections 4 or 5 of P.L.2020, c.49, as amended by P.L.2021, c.22, or by the Commissioner of Environmental Protection pursuant to section 7 of P.L.2020, c.49, as amended by P.L.2021, c.21, provided:

(1) a maximum of \$15 million in principal forgiveness loans, plus any appropriated but unallocated funds designated in State fiscal year 2020 for combined sewer overflow projects, shall be issued as provided in subsection a. of section 3 of P.L.2020, c.49, as amended by P.L.2021, c.21 to communities in combined sewer overflow sewersheds sponsoring construction projects that reduce or eliminate discharges from combined sewer overflow outfalls, wherein principal forgiveness loans shall not exceed \$4 million per borrower subject to the availability of funds, and wherein 50 percent of the principal of the fund loan shall be forgiven, 25 percent of the loan shall be a zero interest rate fund loan, and 25 percent of the loan shall be a trust market rate loan. For project costs greater than \$4 million up to and including \$10 million, 75 percent of the loan shall be a zero interest rate fund loan and 25 percent of the loan shall be a trust market rate loan. For project costs greater

than \$10 million, 50 percent of the loan shall be a zero interest rate fund loan and 50 percent of the loan shall be a trust market rate loan;

(2) a maximum of \$10 million in principal forgiveness loans shall be issued as provided in subsection a. of section 3 of P.L.2020, c.49, as amended by P.L.2021, c.21 for water quality restoration projects wherein principal forgiveness loans shall not exceed \$2 million per borrower subject to the availability of funds, and wherein 50 percent of the principal of the fund loan shall be forgiven, 25 percent of the loan shall be a zero interest rate fund loan, and 25 percent of the loan shall be a trust market rate loan subject to the availability of funds. For project costs greater than \$4 million up to and including \$10 million, 75 percent of the loan shall be a zero interest rate fund loan and 25 percent of the loan shall be a trust market rate loan. For project costs greater than \$10 million, 50 percent of the loan shall be a zero interest rate fund loan and 50 percent of the loan shall be a trust market rate loan;

(3) to the extent funds are available, a maximum of \$500,000 in principal forgiveness loans shall be issued to finance clean water environmental infrastructure projects as provided in subsection a. of section 3 of P.L.2020, c.49, as amended by P.L.2021, c.21 for systems serving populations of up to 10,000 residents for the development of asset management plans wherein principal forgiveness shall be 100 percent of the fund loan amount per project in an amount not to exceed \$100,000 per project sponsor; and

(4) those projects listed in subsection a. of section 2 of P.L.2020, c.49, as amended by P.L.2021, c.21 and subsection a. of section 3 of P.L.2020, c.49, as amended by P.L.2021, c.21 that were previously identified in P.L.2019, c.193, as amended by P.L.2019, c.514, are granted continued priority status and shall be subject to the provisions of P.L.2019, c.193, as amended by P.L.2019, c.514, provided such projects receive short-term funding prior to June 30, 2020.

c. The department is authorized to make zero interest and principal forgiveness financing loans to or on behalf of the project sponsors for the environmental infrastructure projects listed in subsection b. of section 3 of P.L.2020, c.49, as amended by P.L.2021, c.21 for drinking water projects, up to the individual amounts indicated and in the priority stated, provided:

(1) a maximum of 30 percent of the 2020 Drinking Water State Revolving Fund capitalization grant, not to exceed \$5 million, plus any funds transferred to the Drinking Water State Revolving Fund pursuant to paragraph (4) of subsection a. of this section may be issued as provided in subsection b. of section 3 of P.L.2020, c.49, as amended by P.L.2021, c.21 for drinking water systems, as follows:

(a) up to \$4 million of Drinking Water State Revolving Fund loans, plus any appropriated but unallocated funds designated in State fiscal year 2020 for drinking water systems serving populations of up to 10,000 residents, shall be available for drinking water systems serving populations of up to 10,000 residents wherein principal forgiveness shall not exceed \$500,000 in the aggregate and shall not exceed 50 percent of the total loan amount per project sponsor in an amount not to exceed \$1 million per project sponsor.

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

(b) a maximum of \$500,000 in principal forgiveness loans shall be issued to drinking water systems serving populations of up to 10,000 residents for the development of asset management plans wherein principal forgiveness shall be 100 percent of the fund loan amount per project in an amount not to exceed \$100,000 per project sponsor subject to the availability of funds; and

(c) a maximum of \$10 million of principal forgiveness for drinking water systems serving communities with a population of up to 1,000 residents for corrosion control treatment and lead service line replacement projects wherein principal forgiveness shall not exceed 90 percent of the total fund loan amount of \$1 million per water system;

(2) up to \$103 million of moneys from the Drinking Water State Revolving Fund, plus any appropriated but unallocated funds designated in State fiscal year 2020, may be issued for principal forgiveness loans for drinking water systems serving communities with a weighted median household income less than the median household income for the State to finance lead service line replacements, wherein principal forgiveness shall not exceed 50 percent of the total fund loan amount of: \$2 million per water system for systems with fewer than 1,000 known lead service lines, \$10 million per water system for systems with 1,000 to 5,000 known lead service lines, and \$40 million per water system for systems with greater than 5,000 known lead service lines.

Loans may be made pursuant to this subsection to the extent there are sufficient eligible project applications and as may be required for the award of the capitalization grants made available to the State for drinking water projects pursuant to the Federal Safe Drinking Water Act. Any such amounts may be reduced by the Commissioner of Environmental Protection pursuant to section 7 of P.L.2020, c.49, as amended by P.L.2021, c.21, or if a project fails to meet the requirements of section 4 or 5 of P.L.2020, c.49, as amended by P.L.2021, c.21; and

(3) Those projects listed in subsections a. and b. of section 3 of P.L.2020, c.49, as amended by P.L.2021, c.21 that were previously identified in P.L.2019, c.193, as amended by P.L.2019, c.514, are granted continued priority status and

shall be subject to the provisions of P.L.2019, c.193, as amended by P.L.2019, c.514, provided such projects receive short-term funding prior to June 30, 2020.

d. The department is authorized to make zero interest and principal forgiveness financing loans to or on behalf of the project sponsors for the environmental infrastructure projects listed in sections 2 and 3 of P.L.2021, c.21 under the same terms, conditions and requirements set forth in this section from any unexpended balances of the amounts appropriated pursuant to section 1 of P.L.1987, c.200, section 2 of P.L.1988, c.133, section 1 of P.L.1989, c.189, section 1 of P.L.1990, c.99, section 1 of P.L.1991, c.325, section 1 of P.L.1992, c.38, section 1 of P.L.1993, c.193, section 1 of P.L.1994, c.106, section 1 of P.L.1995, c.219, section 1 of P.L.1996, c.85, section 1 of P.L.1997, c.221, section 2 of P.L.1998, c.84, section 2 of P.L.1999, c.174, section 2 of P.L.2000, c.92, sections 1 and 2 of P.L.2001, c.222, sections 1 and 2 of P.L.2002, c.70, sections 1 and 2 of P.L.2003, c.158, sections 1 and 2 of P.L.2004, c.109, sections 1 and 2 of P.L.2005, c.196, sections 1 and 2 of P.L.2006, c.68, sections 1 and 2 of P.L.2007, c.139, sections 1 and 2 of P.L.2008, c.68, sections 1 and 2 of P.L.2009, c.102, sections 1 and 2 of P.L.2010, c.63, sections 1 and 2 of P.L.2011, c.93, sections 1 and 2 of P.L.2012, c.43, sections 1 and 2 of P.L.2013, c.95, sections 1 and 2 of P.L.2014, c.25, sections 1 and 2 of P.L.2015, c.108, sections 1 and 2 of P.L.2016, c.32, as amended by P.L.2017, c.14, sections 1 and 2 of P.L.2017, c.143, as amended by P.L.2017, c.326, sections 1 and 2 of P.L.2018, c.85, as amended by P.L.2018, c.137 and P.L.2019, c.12, sections 1 and 2 of P.L.2019, c.193, as amended by P.L.2019, c.514, and sections 1 and 2 of P.L.2020, c.49, as amended by P.L.2021, c.21, including amounts resulting from the low bid and final building cost reductions authorized pursuant to section 6 of P.L.1987, c.200, section 7 of P.L.1988, c.133, section 6 of P.L.1989, c.189, section 6 of P.L.1990, c.99, section 6 of P.L.1991, c.325, section 6 of P.L.1992, c.38, section 6 of P.L.1993, c.193, section 6 of P.L.1994, c.106, section 6 of P.L.1995, c.219, section 6 of P.L.1996, c.85, section 6 of P.L.1997, c.221, section 7 of P.L.1998, c.84, section 6 of P.L.1999, c.174, section 6 of P.L.2000, c.92, section 6 of P.L.2001, c.222, section 6 of P.L.2002, c.70, section 6 of P.L.2003, c.158, section 6 of P.L.2004, c.109, section 6 of P.L.2005, c.196, section 6 of P.L.2006, c.68, section 6 of P.L.2007, c.139, section 6 of P.L.2008, c.68, section 7 of P.L.2009, c.102, section 6 of P.L.2010, c.63, section 6 of P.L.2011, c.93, section 6 of P.L.2012, c.43, section 6 of P.L.2013, c.95, section 7 of P.L.2014, c.25, section 7 of P.L.2015, c.108, section 7 of P.L.2016, c.32, as amended by P.L.2017, c.14, section 7 of P.L.2017, c.143 as amended by P.L.2017, c.326, section 7 of P.L.2018, c.85, as amended by P.L.2018, c.137 and P.L.2019, c.12, section 7 of P.L.2019, c.193, as amended by P.L.2019, c.514, and section 7 of P.L.2020, c.49, as amended by P.L.2021, c.21, 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 2019 and State fiscal year 2020 pursuant to the provisions of section 16 of P.L.1985, c.329, and section 2 of P.L.2009, c.77 and any amendatory and supplementary acts thereto, including any Clean Water State Revolving Fund Accounts contained within the "Wastewater Treatment Fund," and from any repayment of loans and interest from the Drinking Water State Revolving Fund.

e. The department is authorized to make zero interest and principal forgiveness Sandy financing loans to or on behalf of the project sponsors for the Sandy environmental infrastructure projects listed in subsection a. of section 3 of P.L.2020, c.49, as amended by P.L.2021, c.21 for clean water projects, in a manner consistent with the Federal Disaster Relief Appropriations Act, up to the individual amounts indicated, except that any such amount may be reduced by the Commissioner of Environmental Protection pursuant to section 7 of P.L.2020, c.49, as amended by P.L.2021, c.21, or if a project fails to meet the requirements of section 4, 5, or 7 of P.L.2020, c.49, as amended by P.L.2021, c.21, provided a maximum of \$300 million shall be provided for Sandy financing loans for clean water projects to provide financial assistance to communities affected by the Storm Sandy, and for projects whose purpose is to reduce flood damage risk and vulnerability or to enhance resiliency to rapid hydrologic change or a natural disaster.

f. For the purposes of P.L.2020, c.49, as amended by P.L.2021, c.21:

"Base financing" means zero interest loans provided by the Department of Environmental Protection from moneys made available for the purposes of P.L.2020, c.49, as amended by P.L.2021, c.21 from any source other than funds received pursuant to the Federal Disaster Relief Appropriations Act, related State matching funds, and interest earned thereon.

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

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

2. Section 2 of P.L.2020, c.49 is amended to read as follows:

2. a. (1) The department is authorized to expend funds for the purpose of making supplemental zero interest loans to or on behalf of the project sponsors listed below for the following clean water environmental infrastructure projects:

Project Sponsor	Project Number	Estimated Allowable DEP Loan Amount	Estimated Total Loan Amount
Elizabeth City	S340942-19R	\$206,250	\$275,000
Ocean Twp. SA	S340750-14R	\$750,000	\$1,000,000
Hoboken City	S340635-06R	\$30,000,000	\$40,000,000
Franklin Township Sewerage Authority	S340839-06-1	\$750,000	\$1,000,000
Paterson City	S340850-03-1	\$1,912,500	\$2,550,000
Rockaway Valley RSA	S340821-06-1	\$581,250	\$775,000
Somerville Borough	S342013-01-1	\$1,387,500	\$1,850,000
Total Projects: 7		\$35,587,500	\$47,450,000

(2) The loans authorized in this subsection shall be made for the difference between the allowable loan amounts required by these projects based upon final building costs pursuant to section 7 of P.L.2020, c.49, as amended by P.L.2021, c.21 and the loan amounts certified by the Commissioner of Environmental Protection in State fiscal years 2008, 2019, and 2020 and for increased allowable costs as defined and determined in accordance with the rules and regulations adopted by the department pursuant to section 4 of P.L.1985, c.329. The loans authorized in this subsection shall be made to or on behalf of the project sponsors listed, up to the individual amounts indicated and in the priority stated, to the extent sufficient funds are available, except as a project fails to meet the requirements of section 4, 5, or 7 of P.L.2020, c.49, as amended by P.L.2021, c.21.

(3) The zero interest loans for the projects authorized in this subsection shall have priority over projects listed in subsection a. of section 3 of P.L.2020, c.49, as amended by P.L.2021, c.21.

b. (1) The Department of Environmental Protection 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:

YORK UNIVERSITY LIBRARY

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

(2) The loans authorized in this subsection shall be made for the difference between the allowable loan amount required by these projects based upon final building costs pursuant to section 7 of P.L.2020, c.49, as amended by P.L.2021, c.21 and the loan amounts certified by the Commissioner of Environmental Protection in State fiscal year 2020 and for increased allowable costs as defined and determined in accordance with the rules and regulations adopted by the department pursuant to section 5 of P.L.1981, c.261. The loans authorized in this subsection shall be made to or on behalf of the project sponsors listed, up to the individual amounts indicated and in the priority stated, to the extent sufficient funds are available, except as a project fails to meet the requirements of section 4, 5, or 7 of P.L.2020, c.49, as amended by P.L.2021, c.21.

(3) The zero interest loans for the projects authorized in this subsection shall have priority over projects listed in subsection b. of section 3 of P.L.2020, c.49, as amended by P.L.2021, c.21.

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 zero percent and 100 percent of the total allowable loan amount, and, if the Department of Environmental Protection loan amount is adjusted to 100 percent of the total allowable loan amount, the loan shall be provided pursuant to the terms and conditions of the financing program year in which the trust issued an interim financing program loan for the project or, in the absence of an interim financing program loan, the terms and conditions of the State fiscal year 2021 financing program.

3. Section 3 of P.L.2020, c.49 is amended to read as follows:

3. a. (1) The following environmental infrastructure projects shall be known and may be cited as the "Storm Sandy and State Fiscal Year 2021 Clean Water Project Eligibility List":

Project Sponsor	Project Number	Estimated Allowable DEP Loan Amount	Estimated Total Loan Amount
Musconetcong SA	S340384-09	\$4,500,000	\$6,000,000
Camden County MUA	S340640-17	\$2,625,000	\$3,500,000
Camden County MUA	S340640-24	\$4,875,000	\$6,500,000

Rahway Valley SA	S340547-14	\$7,125,000	\$9,500,000
Rahway Valley SA	S340547-15	\$1,941,389	\$2,588,518
Camden County MUA	S340640-22	\$2,625,000	\$3,500,000
Camden County MUA	S340640-23	\$4,200,000	\$5,600,000
Newark City	S340815-28	\$4,500,000	\$6,000,000
Camden County MUA	S340640-16	\$9,975,000	\$13,300,000
Newark City	S340815-24	\$15,750,000	\$21,000,000
Camden City	S340366-15	\$9,997,500	\$13,330,000
Camden County MUA	S340640-18	\$63,022,500	\$84,030,000
North Bergen MUA	S340652-14	\$17,250,000	\$23,000,000
Jersey City MUA	S340928-15	\$30,750,000	\$41,000,000
Jersey City MUA	S340928-20	\$5,400,000	\$7,200,000
Jersey City MUA	S340928-21	\$18,750,000	\$25,000,000
Jersey City MUA	S340928-24	\$80,693,069	\$108,000,000
Jersey City MUA	S340928-28	\$2,025,000	\$2,700,000
Jersey City MUA	S340928-31	\$8,294,700	\$11,059,600
Jersey City MUA	S340928-34	\$975,000	\$1,300,000
Elizabeth City	S340942-17	\$4,875,000	\$6,500,000
Camden County MUA	S340640-13	\$9,600,000	\$12,800,000
Long Branch SA	S340336-08	\$1,305,525	\$1,740,700
Ocean County UA	S340372-62	\$3,225,000	\$4,300,000
Ocean County UA	S340372-61	\$3,975,000	\$5,300,000
Ocean County UA	S340372-59	\$5,715,000	\$7,620,000
Hoboken City	S340635-07	\$3,750,000	\$5,000,000
Hoboken City	S340635-09	\$375,000	\$500,000
Mount Laurel Twp. MUA	S340943-06	\$6,000,000	\$8,000,000
Jersey City	S340928-30	\$2,033,250	\$2,711,000
North Hudson SA	S340952-30	\$17,400,000	\$23,200,000
North Hudson SA	S340952-31	\$74,550	\$547,350
North Hudson SA	S345190-01	\$4,500,000	\$6,000,000
Riverside SA	S340490-01	\$630,000	\$840,000
Perth Amboy City	S340435-11	\$4,844,513	\$6,459,351
Perth Amboy City	S340435-14	\$1,956,000	\$2,608,000
Perth Amboy City	S345220-01	\$750,000	\$1,000,000
Hackensack City	S340923-14	\$6,000,000	\$8,000,000
Somerset Raritan Valley SA	S340801-09	\$4,875,000	\$6,500,000
Somerset Raritan Valley SA	S340801-07	\$25,500,000	\$34,000,000
Passaic Valley SC	S340689-48	\$675,308	\$900,410
Passaic Valley SC	S340689-38	\$15,750,000	\$21,000,000
Passaic Valley SC	S345200-01	\$6,750,000	\$9,000,000

Passaic Valley SC	S345200-02	\$1,500,000	\$2,000,000
Passaic Valley SC	S340689-40	\$13,217,254	\$123,300,000
Passaic Valley SC	S340689-30	\$2,775,000	\$3,700,000
Passaic Valley SC	S340689-32	\$7,500,000	\$10,000,000
Northwest Bergen County UA	S340700-16	\$3,675,000	\$4,900,000
Bergen County UA	S340386-21	\$5,700,000	\$7,600,000
Bergen County UA	S340386-24	\$1,462,500	\$1,950,000
Linden Roselle SA	S340299-09	\$1,575,000	\$2,100,000
Linden Roselle SA	S340299-08	\$12,750,000	\$17,000,000
Lambertville MUA	S340882-09	\$1,350,000	\$1,800,000
Raritan Twp. MUA	S340485-12	\$3,675,000	\$4,900,000
Clinton Town	S340924-08	\$3,075,000	\$4,100,000
Gloucester County UA	S340902-15	\$8,625,000	\$11,500,000
Stafford Twp.	S344100-03	\$4,200,000	\$5,600,000
Allentown Borough	S340567-05	\$3,825,000	\$5,100,000
JMEUC - East Orange City	S340686-09a	\$465,378	\$620,504
JMEUC - Elizabeth City	S340686-09b	\$4,879,407	\$6,505,876
JMEUC - Hillside Twp.	S340686-09c	\$681,323	\$908,430
JMEUC - Irrington Twp.	S340686-09d	\$1,689,260	\$2,252,347
JMEUC - Newark City	S340686-09e	\$1,022,282	\$1,363,042
JMEUC - South Orange Village Twp.	S340686-09f	\$488,105	\$650,806
JMEUC - Summit City	S340686-09g	\$889,742	\$1,186,322
JMEUC - Union Twp.	S340686-09h	\$1,837,001	\$2,449,335
JMEUC - West Orange Twp.	S340686-09i	\$1,189,072	\$1,585,429
Howell Twp.	S344040-02	\$11,010,000	\$14,680,000
Rutgers, The State University of New Jersey	S340500-01	\$27,750,000	\$37,000,000
Ocean County	S344080-10	\$187,500	\$250,000
Ocean County	S344080-11	\$262,500	\$350,000
Rockaway Valley RSA	S340821-07	\$6,150,000	\$8,200,000
Ocean County	S344080-09	\$975,000	\$1,300,000
Western Monmouth UA	S340128-06	\$9,825,000	\$13,100,000
Chatham (MCJM) Borough	S340715-07A	\$5,466,885	\$7,289,180

Madison (MCJM) Borough	S340715-07B	\$5,466,885	\$7,289,180
Wildwood City	S340664-06	\$11,784,758	\$15,713,010
Point Pleasant Beach Borough	S344190-02	\$2,362,500	\$3,150,000
New Jersey Water Supply Authority	S340421-02	\$64,575,000	\$86,100,000
Long Branch SA	S340336-09	\$4,200,000	\$5,600,000
Manasquan River RSA	S340911-03	\$495,000	\$660,000
Little Egg Harbor MUA	S340579-03	\$1,779,298	\$2,900,000
Delran Twp.	S340794-10	\$1,575,000	\$2,100,000
Hopatcong Borough	S340488-07	\$76,000	\$80,000
Middlesex County UA	S340699-14	\$8,250,000	\$11,000,000
Bergen County UA	S340386-25	\$3,000,000	\$4,000,000
Monmouth County Bayshore Outfall Authority	S340325-04	\$2,625,000	\$3,500,000
Camden County MUA	S340640-28	\$5,625,000	\$7,500,000
Toms River MUA	S340145-05	\$3,100,000	\$4,500,000
Ocean County UA	S340372-60	\$652,500	\$870,000
Two Rivers Water Reclamation Authority	S340117-10	\$56,250,000	\$75,000,000
Brick Twp. MUA	S340448-11	\$4,275,000	\$5,700,000
Northwest Bergen County UA	S340700-15	\$5,250,000	\$7,000,000
Northwest Bergen County UA	S340700-18	\$1,500,000	\$2,000,000
Northwest Bergen County UA	S340700-19	\$6,099,338	\$8,132,450
Western Monmouth UA	S340128-05	\$5,887,500	\$7,850,000
Old Bridge MUA	S340945-14	\$2,700,000	\$3,600,000
Franklin Twp. SA	S340839-08	\$3,150,000	\$4,200,000
Evesham MUA	S340838-07	\$1,200,000	\$1,600,000
Mount Laurel Twp. MUA	S340943-07	\$2,400,000	\$3,200,000
Winslow Twp.	S340895-10	\$1,275,000	\$1,700,000
Ocean Twp. SA	S340750-13	\$412,500	\$550,000
Ocean Twp. SA	S340750-12	\$3,375,000	\$4,500,000
Vernon Twp.	S340745-03	\$82,500	\$110,000
Scotch Plains Twp.	S340512-01	\$2,025,000	\$2,700,000
Carteret Borough	S340939-10	\$4,950,000	\$6,600,000

Burlington Twp.	S340712-17	\$750,000	\$1,000,000
West Deptford Twp.	S340947-05	\$1,061,250	\$1,415,000
Princeton	S340656-11	\$2,944,259	\$3,925,678
Warren Twp. SA	S340964-05	\$8,100,000	\$10,800,000
Middlesex Borough	S340698-02	\$1,926,563	\$2,568,750
Red Bank Borough	S340528-01	\$1,125,000	\$1,500,000
North Haledon Borough	S340229-02	\$75,000	\$100,000
Glen Ridge Borough	S340861-03	\$334,387	\$445,849
Glen Ridge Borough	S340861-04	\$1,725,000	\$2,300,000
Emerson Borough	S340497-01	\$75,000	\$100,000
Mount Arlington Borough	S340451-05	\$159,456	\$212,785
Buena Borough MUA	S340518-06	\$973,500	\$1,298,000
Bradley Beach Borough	S340472-01	\$2,025,000	\$2,700,000
Medford Lakes Borough	S340319-03	\$8,250,000	\$11,000,000
Lambertville MUA	S340882-10	\$525,000	\$700,000
Hamburg Borough	S340149-03	\$75,000	\$100,000
Long Beach Twp.	S340023-07	\$3,450,000	\$4,600,000
Long Beach Twp.	S340023-08	\$90,000	\$120,000
Ship Bottom Borough	S340311-05	\$3,750,000	\$5,000,000
Passaic Valley SC	S340689-45	\$7,657,577	\$10,210,102
Plumsted Twp.	S340607-03	\$12,769,687	\$34,000,000
Camden County MUA	S340640-26	\$21,150,000	\$28,200,000
Lakewood Twp MUA.	S340465-02	\$3,240,000	\$4,320,000
Marlboro Twp.	S340268-02	\$723,188	\$964,250
Cumberland County	S340438-03	\$12,750,000	\$17,000,000
Cranford Twp.	S340858-04	\$9,000,000	\$12,000,000
New Jersey Water Supply Authority	S340421-01	\$42,600,000	\$56,800,000
Gloucester Twp.	S340364-11	\$712,500	\$950,000
Gloucester Twp.	S340364-15	\$1,087,500	\$1,450,000
Spotswood Borough	S340510-01	\$4,070,250	\$5,427,000
Northfield City	S340508-02	\$112,500	\$150,000
Paulsboro Borough	S340164-01	\$2,062,500	\$2,750,000
North Hudson SA	S340952-36	\$675,000	\$900,000
Clinton Town	S340924-07	\$600,000	\$800,000
Sussex County MUA	S342008-04	\$6,300,000	\$8,400,000

Kearny Town	S340259-12	\$16,125,000	\$21,500,000
Jersey City MUA	S340928-32	\$6,150,000	\$12,300,000
Atlantic City MUA	S340439-04	\$2,300,000	\$3,066,667
Gloucester County Improvement Authority	S342016-04	\$13,875,001	\$18,500,001
Salem County Improvement Authority	S342022-02	\$7,399,084	\$8,500,000
Burlington City	S340140-02	\$1,950,000	\$2,600,000
Willingboro MUA	S340132-11	\$7,500,000	\$10,000,000
Lakewood Twp. MUA	S340465-03	\$1,312,500	\$1,750,000
Bloomfield Twp.	S340516-01	\$5,423,228	\$7,230,970
Brick Twp. MUA	S340448-14	\$1,500,000	\$2,000,000
North Brunswick Twp.	S340888-02	\$6,000,000	\$8,000,000
University Hospital	S340500-03	\$5,850,000	\$7,800,000
Manchester Twp.	S340650-08	\$2,250,000	\$3,000,000
Point Pleasant Beach Borough	S340479-04	\$1,447,500	\$1,930,000
Allentown Borough	S340567-06	\$498,704	\$664,938
Ship Bottom Borough	S340311-04	\$536,663	\$2,750,000
Total Projects: 157		\$1,034,948,089	\$1,509,080,830

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

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

b. The following environmental infrastructure projects shall be known and may be cited as the "State Fiscal Year 2021 Drinking Water Project Eligibility List":

Project Sponsor	Project Number	Estimated Allowable DEP Loan Amount	Estimated Total Loan Amount
Newark City	0714001-020	\$13,125,000	\$17,500,000
Newark City	0714001-019	\$9,375,000	\$12,500,000
Trenton City	1111001-011	\$15,255,000	\$20,340,000
Bloomfield Twp.	0702001-003	\$823,796	\$1,098,395
NJ American Water Co., Inc.	1345001-017	\$7,575,000	\$10,100,000
Burlington City	0305001-002	\$2,700,000	\$3,600,000
Moorestown Twp.	0322001-001	\$18,468,750	\$24,625,000
Brick Twp. MUA	1506001-011	\$15,667,500	\$20,890,000
East Orange City	0705001-014	\$24,750,000	\$33,000,000
East Greenwich	0803001-004	\$1,950,000	\$2,600,000
Jersey City MUA	0906001-017	\$1,305,180	\$1,740,240
Woodbine Borough	0516001-001	\$3,750,000	\$5,000,000
Newark City	0714001-018	\$3,862,500	\$5,150,000
Jersey City MUA	0906001-019	\$5,025,000	\$6,700,000
Wildwood City	0514001-006	\$4,637,403	\$6,183,204
Little Egg Harbor MUA	1516001-005	\$1,087,500	\$1,450,000
NJ American Water Co., Inc.	1345001-021	\$19,758,750	\$26,345,000
Manchester Twp.	1518005-002	\$4,125,000	\$5,500,000
Paulsboro Borough	0814001-003	\$2,100,000	\$2,800,000
Jersey City MUA	0906001-025	\$24,000,000	\$32,000,000
Jersey City MUA	0906001-009	\$3,750,000	\$5,000,000
Middlesex Water Co.	1225001-028	\$8,400,000	\$11,200,000
Hoboken City	0905001-002	\$6,000,000	\$8,000,000
Wall Twp.	1352003-001	\$1,350,000	\$1,800,000
Wall Twp.	1352003-002	\$2,775,000	\$3,700,000
Clinton Town	1005001-010	\$1,320,000	\$2,640,000
Clinton Town	1005001-011	\$949,355	\$1,265,807
Spotswood Borough	1224001-001	\$2,582,936	\$3,443,914
Glen Ridge Borough	0708001-008	\$1,929,908	\$2,573,210
Jersey City MUA	0906001-020	\$4,965,000	\$6,620,000
Jersey City MUA	0906001-021	\$8,250,000	\$11,000,000

Jackson Twp. MUA	1511001-013	\$15,000,000	\$20,000,000
Berkeley Twp. MUA	1505004-009	\$1,875,000	\$2,500,000
Jersey City MUA	0906001-015	\$2,691,950	\$3,589,266
Hoboken City	0905001-001	\$6,375,000	\$8,500,000
Middlesex Water Co.	1225001-025	\$42,750,000	\$57,000,000
Evesham MUA	0313001-001	\$1,950,000	\$2,600,000
Brick Twp. MUA	1506001-009	\$4,446,570	\$5,928,760
Clinton Town	1005001-012	\$2,625,000	\$3,500,000
Milltown Borough	1212001-005	\$1,350,000	\$1,800,000
NJ American Water Co., Inc.	2004002-013	\$12,000,000	\$16,000,000
Jackson Twp. MUA	1511001-012	\$8,250,000	\$11,000,000
Mount Arlington Borough	1426005-001	\$165,836	\$250,285
Hampton Borough	1013001-001	\$1,350,000	\$1,800,000
Little Egg Harbor MUA	1516001-003	\$4,143,750	\$5,525,000
National Park Borough	0812001-004	\$1,275,000	\$1,700,000
Hopatcong Borough	1912001-004	\$75,000	\$100,000
Hamburg Borough	1909001-001	\$63,750	\$85,000
Highbridge Borough	1014001-001	\$75,000	\$100,000
Hardyston MUA	1911006-003	\$75,000	\$100,000
Total Projects: 50		\$328,150,434	\$438,443,081

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 zero percent and 100 percent of the total allowable loan amount, and, if the Department of Environmental Protection loan amount is adjusted to 100 percent of the total allowable loan amount, the loan shall be provided pursuant to the terms and conditions of the financing program year in which the trust issued an interim financing program loan for the project or, in the absence of an interim financing program loan, the terms and conditions of the State fiscal year 2021 financing program.

4. Section 4 of P.L.2020, c.49 is amended to read as follows:

4. Any financing loan made by the Department of Environmental Protection pursuant to P.L.2020, c.49, as amended by P.L.2021, c.21 shall be subject to the following requirements:

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

b. Except as otherwise provided in this subsection, a loan for an environmental infrastructure project listed in section 2 or 3 of P.L.2020, c.49, as amended by P.L.2021, c.21 shall be subject to the terms and conditions of the financing program year in which the trust issued an interim financing program loan for the project or, in the absence of an interim financing program loan, the terms and conditions of the State fiscal year 2021 financing program. Notwithstanding any provision of P.L.2020, c.49, as amended by P.L.2021, c.21 or a financial plan of the trust for State fiscal years 2018, 2019, or 2020 developed pursuant to section 21 of P.L.1985, c.334 (C.58:11B-21) or section 25 of P.L.1997, c.224 (C.58:11B-21.1) to the contrary, a loan for an environmental infrastructure project listed in section 2 or 3 of P.L.2020, c.49, as amended by P.L.2021, c.21, that is partially funded from the proceeds of bonds issued by the trust to the United States Environmental Protection Agency pursuant to the federal "Water Infrastructure Finance and Innovation Act of 2014," 33 U.S.C. s.3901 et seq., shall be subject to terms and conditions regulating the blending of federal and other funds that are consistent with those provisions of Section III of the applicable financial plan of the trust for State fiscal year 2021 that reference the federal "Water Infrastructure Finance and Innovation Act of 2014";

c. Notwithstanding the provisions of sections 2 and 3 of P.L.2020, c.49, as amended by P.L.2021, c.21; the Department of Environmental Protection allowable loan amount may be 100 percent of the total allowable loan amount for:

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

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

d. With the exception of a loan for which the Department of Environmental Protection issues 100 percent of the loan amount pursuant to subsection b. of section 2, subsection c. of section 3, and subsection c. of this section, the loan shall be conditioned upon approval of a loan from the New Jersey Infrastructure Bank pursuant to P.L.2020, c.48, as amended by P.L.2021, c.22, prior to June 30, 2021;

e. The loan shall be repaid within a period not to exceed 30 years, or 45 years for combined sewer overflow abatement projects, of the making of the loan; and

f. The loan shall be subject to any other terms and conditions as may be established by the commissioner and approved by the State Treasurer, which may include, notwithstanding any other provision of law to the contrary, subordination of a loan authorized in P.L.2020, c.49, as amended by P.L.2021, c.21, to loans made by the New Jersey Infrastructure Bank pursuant to P.L.2020, c.48, as amended by P.L.2021, c.22, or to administrative fees payable to the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5).

5. Section 5 of P.L.2020, c.49 is amended to read as follows:

5. Any Sandy financing loan made by the Department of Environmental Protection pursuant to P.L.2020, c.49, as amended by P.L.2021, c.21, shall be subject to the following requirements:

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

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

c. The loan shall be subject to any other terms and conditions as may be established by the commissioner and approved by the State Treasurer, which may include, notwithstanding any other provision of law to the contrary, subordination of a loan authorized in P.L.2020, c.49, as amended by P.L.2021, c.21, to loans made by the trust pursuant to P.L.2020, c.48, as amended by P.L.2021, c.22, prior to June 30, 2021, or to administrative fees payable to the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5).

6. Section 6 of P.L.2020, c.49 is amended to read as follows:

6. The eligibility lists and authorization for the making of loans pursuant to sections 2 and 3 of P.L.2020, c.49, as amended by P.L.2021, c.21, shall expire on July 1, 2021, and any project sponsor which has not executed and delivered a loan agreement with the department for a loan authorized in P.L.2020, c.49, as amended by P.L.2021, c.21, shall no longer be entitled to that loan.

7. Section 7 of P.L.2020, c.49 is amended to read as follows:

7. The Commissioner of Environmental Protection is authorized to reduce or increase the individual amount of loan funds made available to or on behalf of project sponsors pursuant to sections 2 and 3 of P.L.2020, c.49, as amended by P.L.2021, c.21, based upon final or low bid building costs defined in and determined in accordance with rules and regulations adopted by the commissioner pursuant to section 4 of P.L.1985, c.329, section 2 of P.L.1999, c.362 (C.58:12A-12.2), or section 5 of P.L.1981, c.261, provided that the total loan amount does not exceed the estimated total allowable loan amount. The commissioner is authorized to reduce or increase the individual amount of loan funds made available to or on behalf of project sponsors pursuant to sections 2 and 3 of P.L.2020, c.49, as amended by P.L.2021, c.21, in an amount not to exceed 10 percent of the total allowable loan amount based upon additional project costs to comply with the Department of Environmental Protection's guidance for asset management, emergency response, flood protection, and auxiliary power.

8. Section 8 of P.L.2020, c.49 is amended to read as follows:

8. The expenditure of the funds appropriated by P.L.2020, c.49, as amended by P.L.2021, c.21, is subject to the provisions and conditions of P.L.1977, c.224, P.L.1985, c.302, P.L.1985, c.329, P.L.1989, c.181, P.L.1992, c.88, P.L.1997, c.223, P.L.1997, c.225 or P.L.2003, c.162, and the rules and regulations adopted by the Commissioner of Environmental Protection pursuant thereto, and the provisions of the Federal Disaster Relief Appropriations Act, the Federal Clean Water Act, and the Federal Safe Drinking Water Act, and any amendatory and supplementary acts thereto.

9. Section 10 of P.L.2020, c.49 is amended to read as follows:

10. a. Prior to repayment to the Clean Water State Revolving Fund pursuant to sections 1 and 2 of P.L.2009, c.77 and any amendatory and supplementary acts thereto, prior to repayment to the "Wastewater Treatment Fund"

pursuant to the provisions of section 16 of P.L.1985, c.329, prior to repayment to the "1992 Wastewater Treatment Fund" pursuant to the provisions of section 28 of P.L.1992, c.88, prior to repayment to the Drinking Water State Revolving Fund, prior to repayment to the "Stormwater Management and Combined Sewer Overflow Abatement Fund" pursuant to the provisions of section 15 of P.L.1989, c.181, prior to repayment to the "2003 Water Resources and Wastewater Treatment Fund" pursuant to the provisions of section 20 of P.L.2003, c.162, prior to repayment to the "Water Supply Fund" pursuant to the provisions of section 15 of P.L.1981, c.261, or prior to the repayment to the "Pinelands Infrastructure Trust Fund" pursuant to the provisions of section 5 of P.L.1985, c.302, repayments of loans made pursuant to these acts may be utilized by the New Jersey Infrastructure Bank established pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.), as amended and supplemented by P.L.1997, c.224, under terms and conditions established by the commissioner and trust, approved by the State Treasurer, and consistent with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) and federal tax, environmental or securities law, to the extent necessary to secure repayment of trust bonds issued to finance loans approved pursuant to P.L.2020, c.48, as amended by P.L.2021, c.22, 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, 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, or prior to repayment to the "Pinelands Infrastructure Trust Fund" pursuant to the provisions of section 5 of P.L.1985, c.302, the trust is further authorized to utilize repayments of loans made pursuant to P.L.1989, c.189, P.L.1990, c.99, P.L.1991, c.325, P.L.1992, c.38, P.L.1993, c.193, P.L.1994, c.106, P.L.1995, c.219, P.L.1996, c.85, P.L.1997, c.221, P.L.1998, c.84, P.L.1999, c.174, P.L.2000, c.92, P.L.2001, c.222, P.L.2002, c.70, P.L.2003, c.158, P.L.2004, c.109, P.L.2005, c.196, P.L.2006, c.68, P.L.2007, c.139, P.L.2008, c.68, P.L.2009, c.102, P.L.2010, c.63, P.L.2011, c.93, P.L.2012, c.43,

P.L.2013, c.95, P.L.2014, c.25, P.L.2015, c.108, P.L.2016, c.32, P.L.2017, c.143, as amended by P.L.2017, c.326, P.L.2018, c.85, as amended by P.L.2018, c.137, P.L.2019, c.12, P.L.2019, c.193, as amended by P.L.2019, c.514, or P.L.2020, c.49, as amended by P.L.2021, c.21, to secure repayment of trust bonds issued to finance loans approved pursuant to P.L.1995, c.218, P.L.1996, c.87, P.L.1997, c.222, P.L.1998, c.85, P.L.1999, c.173, P.L.2000, c.93, P.L.2001, c.224, P.L.2002, c.71, P.L.2003, c.159, P.L.2004, c.110, P.L.2005, c.197, P.L.2006, c.67, P.L.2007, c.140, P.L.2008, c.67, P.L.2009, c.101, P.L.2010, c.62, P.L.2011, c.95, P.L.2012, c.38, P.L.2013, c.94, P.L.2014, c.26, P.L.2015, c.107, P.L.2016, c.31, P.L.2017, c.142, as amended by P.L.2017, c.327, P.L.2018, c.84, as amended by P.L.2019, c.30, P.L.2019, c.192, as amended by P.L.2019, c.515, or P.L.2020, c.48, as amended by P.L.2021, c.22, 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," the "Stormwater Management and Combined Sewer Overflow Abatement Fund," or the "Pinelands Infrastructure Trust Fund," as appropriate, from amounts received by or on behalf of the trust from project sponsors causing any such deficiency.

10. This act shall take effect immediately.

Approved February 22, 2021.

CHAPTER 22

AN ACT authorizing the expenditure of additional funds by the New Jersey Infrastructure Bank for the purpose of making loans to eligible project sponsors to finance a portion of the cost of construction of environmental infrastructure projects, and amending P.L.2020, c.48.

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

1. Section 1 of P.L.2020, c.48 is amended to read as follows:

1. a. The New Jersey Infrastructure Bank, established pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.) (hereinafter referred to as "the trust"), is authorized to expend the aggregate sum of up to \$2.039 billion and any uncommitted balance of the aggregate expenditures authorized pursuant to section 1 of P.L.2000, c.93, section 1 of P.L.2001, c.224, section 1 of P.L.2002, c.71, section 1 of P.L.2003, c.159, section 1 of P.L.2004, c.110, section 1 of P.L.2005, c.197, section 1 of P.L.2006, c.67, section 1 of P.L.2007, c.140, section 1 of P.L.2008, c.67, section 1 of P.L.2009, c.101, section 1 of P.L.2010, c.62, section 1 of P.L.2011, c.95, section 1 of P.L.2012, c.38, section 1 of P.L.2013, c.94, section 1 of P.L.2014, c.26, section 1 of P.L.2015, c.107, section 1 of P.L.2016, c.31 as amended by P.L.2017, c.13, section 1 of P.L.2017, c.142 as amended by P.L.2017, c.327, P.L.2018, c.84 as amended by P.L.2019, c.30, and section 1 of P.L.2019, c.192 as amended by P.L.2019, c.515, for the purpose of making loans, to the extent sufficient funds are available, to or on behalf of local government units or public water utilities (hereinafter referred to as "project sponsors") to finance all or a portion of the cost of construction of environmental infrastructure projects listed in sections 2 and 4 of P.L.2020, c.48, as amended by P.L.2021, c.22.

b. The trust is authorized to increase the aggregate sums specified in subsection a. of this section by:

(1) the amounts of capitalized interest, administrative expenses associated with any federal funding programs, if applicable, and the bond issuance expenses as provided in subsection b. of section 7 of P.L.2020, c.48, as amended by P.L.2021, c.22;

(2) the amounts of reserve capacity expenses and debt service reserve fund requirements as provided in subsection c. of section 7 of P.L.2020, c.48, as amended by P.L.2021, c.22;

(3) the interest earned on amounts deposited for project costs pending their distribution to project sponsors as provided in subsection d. of section 7 of P.L.2020, c.48, as amended by P.L.2021, c.22;

(4) the amounts of the loan origination fee as provided in subsection e. of section 7 of P.L.2020, c.48, as amended by P.L.2021, c.22;

(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.2020, c.49, as amended by P.L.2021, c.21, in connection with the project costs of a particular project sponsor, to the extent the priority ranking or an insufficiency of funding prevent the department from meeting program demand as provided in subsection f. of section 7 of P.L.2020, c.48, as amended by P.L.2021, c.22; and

(6) any funds transferred to the trust by the department pursuant to paragraph (21) of subsection a. of section 1 of P.L.2020, c.49, as amended by P.L.2021, c.21.

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 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 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 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 capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(6) Of the sums appropriated to the trust from repayments of loans deposited in any account, including the "Clean Water State Revolving Fund," "Wastewater Treatment Fund," the "1992 Wastewater Treatment Fund," the "Water Supply Fund," the "Stormwater Management and Combined Sewer Overflow Abatement Fund" or the Drinking Water State Revolving Fund, as appropriate, pursuant to sections 11 and 12 of P.L.1995, c.219, sections 11 and 12 of P.L.1996, c.85, sections 11 and 12 of P.L.1997, c.221, sections 12 and 13 of P.L.1998, c.84, section 11 of P.L.1999, c.174, section 11 of P.L.2000, c.92, section 11 of P.L.2001, c.222, section 11 of P.L.2002, c.70, section 11 of P.L.2003, c.158, section 11 of P.L.2004, c.109, section 11 of P.L.2005, c.196, section 11 of P.L.2006, c.68, section 10 of P.L.2007, c.140, section 10 of P.L.2008, c.67, section 10 of P.L.2009, c.101, section 10 of P.L.2010, c.62, section 10 of P.L.2011, c.95, section 10 of P.L.2012, c.38, section 10 of P.L.2013, c.94, section 10 of P.L.2014, c.26, section 10 of P.L.2015, c.107, section 10 of P.L.2016, c.31, section 10 of P.L.2017, c.142 as amended by section 10 of P.L.2017, c.327, section 10 of P.L.2018, c.84 as amended by P.L.2019, c.30, section 10 of P.L.2019, c.192 as amended by section 10 of P.L.2019, c.515, and section 10 of P.L.2020, c.48, as amended by P.L.2021, c.22, for deposit into one or more reserve funds or accounts established by the trust pursuant to section 11 of P.L.1985, c.334 (C.58:11B-11), the trust shall transfer to the respective fund of origin the uncommitted balance of all such moneys no longer utilized by the trust for such purposes.

d. For the purposes of P.L.2020, c.48, as amended by P.L.2021, c.22:

(1) "capitalized interest" means the amount equal to interest paid on trust bonds which is funded with trust bond proceeds and the earnings thereon;

(2) "debt service reserve fund expenses" means the debt service reserve fund costs associated with reserve capacity expenses, water supply projects for which the project sponsors are public water utilities as provided in section 9 of P.L.1985, c.334 (C.58:11B-9), other drinking water projects not eligible for, or interested in, State or federal debt service reserve funds pursuant to the "Water Supply Bond Act of 1981," P.L.1981, c.261 as amended and supplemented by P.L.1997, c.223, and any clean water projects not eligible for,

or interested in, State or federal debt service reserve funds from the Clean Water State Revolving Fund;

(3) "issuance expenses" means any costs related to the issuance of trust bonds and includes, but is not 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;

(4) "loan origination fee" means the fee charged by the Department of Environmental Protection and financed under the trust loan to pay a portion of the costs incurred by the department in the implementation of the New Jersey Environmental Infrastructure Financing Program; and

(5) "reserve capacity expenses" means those project costs for reserve capacity not eligible for loans under rules and regulations governing zero interest loans adopted by the Commissioner of Environmental Protection pursuant to section 4 of P.L.1985, c.329 but which are eligible for loans from the trust in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27).

e. The trust is authorized to increase the loan amount in the future to compensate for a refunding of the issue, provided adequate savings are achieved, for the loans issued pursuant to P.L.1995, c.218, P.L.1996, c.87, P.L.1997, c.222, P.L.1998, c.85, P.L.1999, c.173, P.L.2000, c.93, P.L.2001, c.224, P.L.2002, c.71, P.L.2003, c.159, P.L.2004, c.110, P.L.2005, c.197, P.L.2006, c.67, P.L.2007, c.140, P.L.2008, c.67, P.L.2009, c.101, P.L.2010, c.62, P.L.2011, c.95, P.L.2012, c.38, P.L.2013, c.94, P.L.2014, c.26, P.L.2015, c.107, P.L.2016, c.31 as amended by P.L.2017, c.13, P.L.2017, c.142 as amended by P.L.2017, c.327, P.L.2018, c.84 as amended by P.L.2019, c.30, P.L.2019, c.192 as amended by P.L.2019, c.515, and P.L.2020, c.48, as amended by P.L.2021, c.22.

2. Section 2 of P.L.2020, c.48 is amended to read as follows:

2. a. (1) The New Jersey Infrastructure Bank 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 DEP Loan Amount	Estimated Total Loan Amount
Elizabeth City	S340942-19R	\$206,250	\$275,000
Ocean Twp. SA	S340750-14R	\$750,000	\$1,000,000

Hoboken City	S340635-06R	\$30,000,000	\$40,000,000
Franklin Township Sewerage Authority	S340839-06-1	\$750,000	\$1,000,000
Paterson City	S340850-03-1	\$1,912,500	\$2,550,000
Rockaway Valley RSA	S340821-06-1	\$581,250	\$775,000
Somerville Borough	S342013-01-1	\$1,387,500	\$1,850,000
Total Projects: 7		\$35,587,500	\$47,450,000

(2) A loan authorized by this subsection shall be made for the difference between the allowable loan amount required by the project based upon final building costs pursuant to subsection a. of section 7 of P.L.2020, c.48, as amended by P.L.2021, c.22 and the loan amount certified by the vice chairperson or secretary of the trust in State fiscal years 2008, 2019, and 2020 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). A loan authorized by this subsection shall be made to or on behalf of the project sponsor listed, up to the individual amount indicated and in the priority stated, to the extent sufficient funds are available, except if a project fails to meet the requirements of section 6 of P.L.2020, c.48, as amended by P.L.2021, c.22.

(3) The loans for projects authorized by this subsection shall have priority over the environmental infrastructure projects listed in subsection a. of section 4 of P.L.2020, c.48, as amended by P.L.2021, c.22.

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

(2) A loan authorized by this subsection shall be made for the difference between the allowable loan amount required by the project based upon final building costs pursuant to subsection a. of section 7 of P.L.2020, c.48, as amended by P.L.2021, c.22 and the loan amount certified by the vice chairperson or secretary of the trust in State fiscal year 2020 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). A loan authorized by this subsection shall be made to or on behalf of the project sponsor listed, up to the individual amount indicated and in the priority stated, to the extent sufficient funds are available, except if a project fails to meet the requirements of section 6 of P.L.2020, c.48, as amended by P.L.2021, c.22.

(3) The loans for projects authorized by this subsection shall have priority over environmental infrastructure projects listed in subsection b. of section 4 of P.L.2021, c.22.

c. The trust is authorized to adjust the allowable trust loan amount for the projects authorized in this section to between zero percent and 100 percent of the total allowable loan amount.

3. Section 3 of P.L.2020, c.48 is amended to read as follows:

3. a. The New Jersey Infrastructure Bank is authorized to make loans to or on behalf of the project sponsors for the clean water projects listed in subsection a. of section 2 and subsection a. of section 4 of P.L.2020, c.48, as amended by P.L.2021, c.22 up to the individual amounts indicated and in the priority stated, except that any such amount may be reduced by the trust pursuant to subsection a. of section 7 of P.L.2020, c.48, as amended by P.L.2021, c.22, or if a project fails to meet the requirements of section 6 of P.L.2020, c.48, as amended by P.L.2021, c.22. The trust is authorized to increase any such amount pursuant to subsections b., c., d., e. or f. of section 7 or section 8 of P.L.2020, c.48, as amended by P.L.2021, c.22.

b. The trust is authorized to make loans to project sponsors for the drinking water projects listed in subsection b. of section 4 of P.L.2020, c.48, as amended by P.L.2021, c.22 up to the individual amounts indicated and in the priority stated, except that any such amount may be reduced by the trust pursuant to subsection a. of section 7 of P.L.2020, c.48, as amended by P.L.2021, c.22, or if a project fails to meet the requirements of section 6 of P.L.2020, c.48, as amended by P.L.2021, c.22. 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 P.L.2020, c.48, as amended by P.L.2021, c.22.

c. The trust is authorized to make loans to local government units for clean water projects partially funded from the "Pinelands Infrastructure Trust Fund" established pursuant to section 14 of P.L.1985, c.302 for the balance of allowable project costs up to the individual amounts indicated, provided that any such amount may be reduced by the trust pursuant to subsection a. of section 7 of P.L.2020, c.48, as amended by P.L.2021, c.22, or if a project fails to meet the requirements of section 6 of P.L.2020, c.48, as amended by P.L.2021, c.22.

The following local government units are eligible for funding from the "Pinelands Infrastructure Trust Fund" and 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) for the following clean water projects:

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

4. Section 4 of P.L.2020, c.48 is amended to read as follows:

4. a. The following environmental infrastructure projects shall be known and may be cited as the "Storm Sandy and State Fiscal Year 2021 Clean Water Project Eligibility List":

Project Sponsor	Project Number	Estimated Allowable DEP Loan Amount	Estimated Total Loan Amount
Musconetcong SA	S340384-09	\$4,500,000	\$6,000,000
Camden County MUA	S340640-17	\$2,625,000	\$3,500,000
Camden County MUA	S340640-24	\$4,875,000	\$6,500,000
Rahway Valley SA	S340547-14	\$7,125,000	\$9,500,000
Rahway Valley SA	S340547-15	\$1,941,389	\$2,588,518
Camden County MUA	S340640-22	\$2,625,000	\$3,500,000
Camden County MUA	S340640-23	\$4,200,000	\$5,600,000
Newark City	S340815-28	\$4,500,000	\$6,000,000
Camden County MUA	S340640-16	\$9,975,000	\$13,300,000
Newark City	S340815-24	\$15,750,000	\$21,000,000
Camden City	S340366-15	\$9,997,500	\$13,330,000
Camden County MUA	S340640-18	\$63,022,500	\$84,030,000
North Bergen MUA	S340652-14	\$17,250,000	\$23,000,000
Jersey City MUA	S340928-15	\$30,750,000	\$41,000,000
Jersey City MUA	S340928-20	\$5,400,000	\$7,200,000
Jersey City MUA	S340928-21	\$18,750,000	\$25,000,000
Jersey City MUA	S340928-24	\$80,693,069	\$108,000,000
Jersey City MUA	S340928-28	\$2,025,000	\$2,700,000
Jersey City MUA	S340928-31	\$8,294,700	\$11,059,600
Jersey City MUA	S340928-34	\$975,000	\$1,300,000
Elizabeth City	S340942-17	\$4,875,000	\$6,500,000
Camden County MUA	S340640-13	\$9,600,000	\$12,800,000

Long Branch SA	S340336-08	\$1,305,525	\$1,740,700
Ocean County UA	S340372-62	\$3,225,000	\$4,300,000
Ocean County UA	S340372-61	\$3,975,000	\$5,300,000
Ocean County UA	S340372-59	\$5,715,000	\$7,620,000
Hoboken City	S340635-07	\$3,750,000	\$5,000,000
Hoboken City	S340635-09	\$375,000	\$500,000
Mount Laurel	S340943-06	\$6,000,000	\$8,000,000
Twp. MUA			
Jersey City	S340928-30	\$2,033,250	\$2,711,000
North Hudson SA	S340952-30	\$17,400,000	\$23,200,000
North Hudson SA	S340952-31	\$74,550	\$547,350
North Hudson SA	S345190-01	\$4,500,000	\$6,000,000
Riverside SA	S340490-01	\$630,000	\$840,000
Perth Amboy City	S340435-11	\$4,844,513	\$6,459,351
Perth Amboy City	S340435-14	\$1,956,000	\$2,608,000
Perth Amboy City	S345220-01	\$750,000	\$1,000,000
Hackensack City	S340923-14	\$6,000,000	\$8,000,000
Somerset Raritan	S340801-09	\$4,875,000	\$6,500,000
Valley SA			
Somerset Raritan	S340801-07	\$25,500,000	\$34,000,000
Valley SA			
Passaic Valley SC	S340689-48	\$675,308	\$900,410
Passaic Valley SC	S340689-38	\$15,750,000	\$21,000,000
Passaic Valley SC	S345200-01	\$6,750,000	\$9,000,000
Passaic Valley SC	S345200-02	\$1,500,000	\$2,000,000
Passaic Valley SC	S340689-40	\$13,217,254	\$123,300,000
Passaic Valley SC	S340689-30	\$2,775,000	\$3,700,000
Passaic Valley SC	S340689-32	\$7,500,000	\$10,000,000
Northwest Bergen	S340700-16	\$3,675,000	\$4,900,000
County UA			
Bergen County UA	S340386-21	\$5,700,000	\$7,600,000
Bergen County UA	S340386-24	\$1,462,500	\$1,950,000
Linden Roselle SA	S340299-09	\$1,575,000	\$2,100,000
Linden Roselle SA	S340299-08	\$12,750,000	\$17,000,000
Lambertville MUA	S340882-09	\$1,350,000	\$1,800,000
Raritan Twp. MUA	S340485-12	\$3,675,000	\$4,900,000
Clinton Town	S340924-08	\$3,075,000	\$4,100,000
Gloucester County UA	S340902-15	\$8,625,000	\$11,500,000
Stafford Twp.	S344100-03	\$4,200,000	\$5,600,000
Allentown Borough	S340567-05	\$3,825,000	\$5,100,000
JMEUC - East	S340686-09a	\$465,378	\$620,504
Orange City			
JMEUC -	S340686-09b	\$4,879,407	\$6,505,876
Elizabeth City			

JMEUC - Hillside Twp.	S340686-09c	\$681,323	\$908,430
JMEUC - Irvington Twp.	S340686-09d	\$1,689,260	\$2,252,347
JMEUC - Newark City	S340686-09e	\$1,022,282	\$1,363,042
JMEUC - South Orange Village Twp.	S340686-09f	\$488,105	\$650,806
JMEUC - Summit City	S340686-09g	\$889,742	\$1,186,322
JMEUC - Union Twp.	S340686-09h	\$1,837,001	\$2,449,335
JMEUC - West Orange Twp.	S340686-09i	\$1,189,072	\$1,585,429
Howell Twp.	S344040-02	\$11,010,000	\$14,680,000
Rutgers, The State University of New Jersey	S340500-01	\$27,750,000	\$37,000,000
Ocean County	S344080-10	\$187,500	\$250,000
Ocean County	S344080-11	\$262,500	\$350,000
Rockaway Valley RSA	S340821-07	\$6,150,000	\$8,200,000
Ocean County	S344080-09	\$975,000	\$1,300,000
Western Monmouth UA	S340128-06	\$9,825,000	\$13,100,000
Chatham (MCJM) Borough	S340715-07A	\$5,466,885	\$7,289,180
Madison (MCJM) Borough	S340715-07B	\$5,466,885	\$7,289,180
Wildwood City	S340664-06	\$11,784,758	\$15,713,010
Point Pleasant Beach Borough	S344190-02	\$2,362,500	\$3,150,000
New Jersey Water Supply Authority	S340421-02	\$64,575,000	\$86,100,000
Long Branch SA	S340336-09	\$4,200,000	\$5,600,000
Manasquan River RSA	S340911-03	\$495,000	\$660,000
Little Egg Harbor MUA MUA	S340579-03	\$1,779,298	\$2,900,000
Delran Twp.	S340794-10	\$1,575,000	\$2,100,000
Hopatcong Borough	S340488-07	\$76,000	\$80,000
Middlesex County UA	S340699-14	\$8,250,000	\$11,000,000
Bergen County UA	S340386-25	\$3,000,000	\$4,000,000
Monmouth County Bayshore Outfall Authority	S340325-04	\$2,625,000	\$3,500,000
Camden County MUA	S340640-28	\$5,625,000	\$7,500,000
Bradley Beach Borough	S340472-01	\$2,025,000	\$2,700,000
Medford Lakes Borough	S340319-03	\$8,250,000	\$11,000,000
Lambertville MUA	S340882-10	\$525,000	\$700,000

Hamburg Borough	S340149-03	\$75,000	\$100,000
Long Beach Twp.	S340023-07	\$3,450,000	\$4,600,000
Long Beach Twp.	S340023-08	\$90,000	\$120,000
Ship Bottom Borough	S340311-05	\$3,750,000	\$5,000,000
Passaic Valley SC	S340689-45	\$7,657,577	\$10,210,102
Plumsted Twp.	S340607-03	\$12,769,687	\$34,000,000
Camden County MUA	S340640-26	\$21,150,000	\$28,200,000
Lakewood Twp. MUA	S340465-02	\$3,240,000	\$4,320,000
Marlboro Twp.	S340268-02	\$723,188	\$964,250
Cumberland County	S340438-03	\$12,750,000	\$17,000,000
Cranford Twp.	S340858-04	\$9,000,000	\$12,000,000
New Jersey Water Supply Authority	S340421-01	\$42,600,000	\$56,800,000
Gloucester Twp.	S340364-11	\$712,500	\$950,000
Gloucester Twp.	S340364-15	\$1,087,500	\$1,450,000
Spotswood Borough	S340510-01	\$4,070,250	\$5,427,000
Northfield City	S340508-02	\$112,500	\$150,000
Paulsboro Borough	S340164-01	\$2,062,500	\$2,750,000
North Hudson SA	S340952-36	\$675,000	\$900,000
Clinton Town	S340924-07	\$600,000	\$800,000
Sussex County MUA	S342008-04	\$6,300,000	\$8,400,000
Kearny Town	S340259-12	\$16,125,000	\$21,500,000
Jersey City MUA	S340928-32	\$6,150,000	\$12,300,000
Atlantic City MUA	S340439-04	\$2,300,000	\$3,066,667
Gloucester County Improvement Authority	S342016-04	\$13,875,001	\$18,500,001
Salem County Improvement Authority	S342022-02	\$7,399,084	\$8,500,000
Burlington City	S340140-02	\$1,950,000	\$2,600,000
Willingboro MUA	S340132-11	\$7,500,000	\$10,000,000
Lakewood Twp. MUA	S340465-03	\$1,312,500	\$1,750,000
Bloomfield Twp.	S340516-01	\$5,423,228	\$7,230,970
Brick Twp. MUA	S340448-14	\$1,500,000	\$2,000,000
North Brunswick Twp.	S340888-02	\$6,000,000	\$8,000,000
University Hospital	S340500-03	\$5,850,000	\$7,800,000
Manchester Twp.	S340650-08	\$2,250,000	\$3,000,000
Point Pleasant Beach Borough	S340479-04	\$1,447,500	\$1,930,000
Allentown Borough	S340567-06	\$498,704	\$664,938
Ship Bottom Borough	S340311-04	\$536,663	\$2,750,000
Total Projects: 157		\$1,034,948,089	\$1,509,080,830

b. The following environmental infrastructure projects shall be known and may be cited as the "State Fiscal Year 2021 Drinking Water Project Eligibility List":

Project Sponsor	Project Number	Estimated Allowable DEP Loan Amount	Estimated Total Loan Amount
Newark City	0714001-020	\$13,125,000	\$17,500,000
Newark City	0714001-019	\$9,375,000	\$12,500,000
Trenton City	1111001-011	\$15,255,000	\$20,340,000
Bloomfield Twp.	0702001-003	\$823,796	\$1,098,395
NJ American Water Co., Inc.	1345001-017	\$7,575,000	\$10,100,000
Burlington City	0305001-002	\$2,700,000	\$3,600,000
Moorestown Twp.	0322001-001	\$18,468,750	\$24,625,000
Brick Twp. MUA	1506001-011	\$15,667,500	\$20,890,000
East Orange City	0705001-014	\$24,750,000	\$33,000,000
East Greenwich	0803001-004	\$1,950,000	\$2,600,000
Jersey City MUA	0906001-017	\$1,305,180	\$1,740,240
Woodbine Borough	0516001-001	\$3,750,000	\$5,000,000
Newark City	0714001-018	\$3,862,500	\$5,150,000
Jersey City MUA	0906001-019	\$5,025,000	\$6,700,000
Wildwood City	0514001-006	\$4,637,403	\$6,183,204
Little Egg Harbor MUA	1516001-005	\$1,087,500	\$1,450,000
NJ American Water Co., Inc.	1345001-021	\$19,758,750	\$26,345,000
Manchester Twp.	1518005-002	\$4,125,000	\$5,500,000
Paulsboro Borough	0814001-003	\$2,100,000	\$2,800,000
Jersey City MUA	0906001-025	\$24,000,000	\$32,000,000
Jersey City MUA	0906001-009	\$3,750,000	\$5,000,000
Middlesex Water Co.	1225001-028	\$8,400,000	\$11,200,000
Hoboken City	0905001-002	\$6,000,000	\$8,000,000
Wall Twp.	1352003-001	\$1,350,000	\$1,800,000
Wall Twp.	1352003-002	\$2,775,000	\$3,700,000
Clinton Town	1005001-010	\$1,320,000	\$2,640,000
Clinton Town	1005001-011	\$949,355	\$1,265,807
Spotswood Borough	1224001-001	\$2,582,936	\$3,443,914
Glen Ridge Borough	0708001-008	\$1,929,908	\$2,573,210
Jersey City MUA	0906001-020	\$4,965,000	\$6,620,000
Jersey City MUA	0906001-021	\$8,250,000	\$11,000,000
Jackson Twp. MUA	1511001-013	\$15,000,000	\$20,000,000
Berkeley Twp. MUA	1505004-009	\$1,875,000	\$2,500,000
Jersey City MUA	0906001-015	\$2,691,950	\$3,589,266

Hoboken City	0905001-001	\$6,375,000	\$8,500,000
Middlesex Water Co.	1225001-025	\$42,750,000	\$57,000,000
Evesham MUA	0313001-001	\$1,950,000	\$2,600,000
Brick Twp. MUA	1506001-009	\$4,446,570	\$5,928,760
Clinton Town	1005001-012	\$2,625,000	\$3,500,000
Milltown Borough	1212001-005	\$1,350,000	\$1,800,000
NJ American Water Co., Inc.	2004002-013	\$12,000,000	\$16,000,000
Jackson Twp. MUA	1511001-012	\$8,250,000	\$11,000,000
Mount Arlington Borough	1426005-001	\$165,836	\$250,285
Hampton Borough	1013001-001	\$1,350,000	\$1,800,000
Little Egg Harbor MUA	1516001-003	\$4,143,750	\$5,525,000
National Park Borough	0812001-004	\$1,275,000	\$1,700,000
Hopatcong Borough	1912001-004	\$75,000	\$100,000
Hamburg Borough	1909001-001	\$63,750	\$85,000
Highbridge Borough	1014001-001	\$75,000	\$100,000
Hardyston MUA	1911006-003	\$75,000	\$100,000
Total Projects: 50		\$328,150,434	\$438,443,081

c. The trust is authorized to adjust the allowable trust loan amount for projects authorized in this section to between zero percent and 100 percent of the total allowable loan amount, and, if the trust loan amount is adjusted to 100 percent of the total allowable loan amount, the loan shall be provided pursuant to the terms and conditions of the financing program year in which the trust issued an interim financing program loan for the project or, in the absence of an interim financing program loan, the terms and conditions of the State fiscal year 2021 financing program.

5. Section 5 of P.L.2020, c.48 is amended to read as follows:

5. In accordance with and subject to the provisions of sections 5, 6, and 23 of P.L.1985, c.334 (C.58:11B-5, 58:11B-6, and 58:11B-23), and as set forth in the financial plan required pursuant to section 21 of P.L.1985, c.334 (C.58:11B-21), or the financial plan required pursuant to section 25 of P.L.1997, c.224 (C.58:11B-21.1), any proceeds from bonds issued by the

trust to make loans for priority environmental infrastructure projects listed in sections 2 and 4 of P.L.2020, c.48, as amended by P.L.2021, c.22 which are not expended for that purpose may be applied for the payment of all or any part of the principal of, or interest and premium on, the trust bonds whether due at stated maturity, the interest payment dates, or earlier upon redemption. A portion of the proceeds from bonds issued by the trust to make loans for priority environmental infrastructure projects pursuant to P.L.2020, c.48, as amended by P.L.2021, c.22 may be applied for the payment of capitalized interest and for the payment of any issuance expenses; for the payment of reserve capacity expenses; for the payment of debt service reserve fund expenses for the payment of the loan origination fees; and for the payment of increased costs, as defined and determined in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27).

6. Section 6 of P.L.2020, c.48 is amended to read as follows:

6. Any loan made by the New Jersey Infrastructure Bank pursuant to P.L.2020, c.48, as amended by P.L.2021, c.22 shall be subject to the following requirements:

a. The chairperson or secretary 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 amendatory and supplementary acts thereto, and any rules and regulations adopted pursuant thereto, as applicable. In making this certification, the chairperson or secretary may conclusively rely on the project review conducted by the Department of Environmental Protection without any independent review thereof by the trust;

b. The loan shall be conditioned upon inclusion of the project on a project eligibility list approved pursuant to section 20 of P.L.1985, c.334 (C.58:11B-20) or section 24 of P.L.1997, c.224 (C.58:11B-20.1);

c. The loan shall be repaid within a period not to exceed 30 years, or 45 years for combined sewer overflow abatement projects, of the making of the loan;

d. The loan, including any portion thereof made by the trust pursuant to subsection f. of section 7 of P.L.2020, c.48, as amended by P.L.2021, c.22, shall not exceed the allowable project cost of the environmental infrastructure facility, exclusive of capitalized interest, administrative expenses associated with federal funding programs, if applicable, and issuance expenses as provided in subsection b. of section 7 of P.L.2020, c.48,

as amended by P.L.2021, c.22, reserve capacity expenses and the debt service reserve fund expenses as provided in subsection c. of section 7 of P.L.2020, c.48, as amended by P.L.2021, c.22, interest earned on project costs as provided in subsection d. of section 7 of P.L.2020, c.48, as amended by P.L.2021, c.22, the amounts of the loan origination fee as provided in subsection e. of section 7 of P.L.2020, c.48, as amended by P.L.2021, c.22, refunding increases as provided in section 8 of P.L.2020, c.48, as amended by P.L.2021, c.22 and increased costs as defined and determined in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27);

e. The loan shall bear interest, exclusive of any late charges or administrative fees payable to the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5) by the project sponsors receiving trust loans, at or below the interest rate paid by the trust on the bonds issued to make or refund the loans authorized by P.L.2020, c.48, as amended by P.L.2021, c.22, 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. Notwithstanding any provision of P.L.2020, c.49, as amended by P.L.2021, c.22 or a financial plan of the trust for State fiscal years 2018, 2019, or 2020 developed pursuant to section 21 of P.L.1985, c.334 (C.58:11B-21) or section 25 of P.L.1997, c.224 (C.58:11B-21.1) to the contrary, a loan for an environmental infrastructure project listed in section 2 or 3 of P.L.2020, c.49, as amended by P.L.2021, c.22, that is partially funded from the proceeds of bonds issued by the trust to the United States Environmental Protection Agency pursuant to the federal "Water Infrastructure Finance and Innovation Act of 2014," 33 U.S.C. s.3901 et seq., shall be subject to terms and conditions regulating the blending of federal and other funds that are consistent with those provisions of Section III of the applicable financial plan of the trust for State fiscal year 2021 that reference the federal "Water Infrastructure Finance and Innovation Act of 2014." The loan shall be subject to all other terms and conditions as the trust shall determine to be consistent with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) and any rules and regulations adopted pursuant thereto, and with the financial plan required by section 21 of P.L.1985, c.334 (C.58:11B-21) or the financial plan required pursuant to section 25 of P.L.1997, c.224 (C.58:11B-21.1).

The eligibility lists and authorization for the making of loans pursuant to P.L.2020, c.48, as amended by P.L.2021, c.22 shall expire on July 1, 2021,

and any project sponsor which has not executed and delivered a loan agreement with the trust for a loan authorized in P.L.2020, c.48, as amended by P.L.2021, c.22 shall no longer be entitled to that loan.

7. Section 7 of P.L.2020, c.48 is amended to read as follows:

7. a. The New Jersey Infrastructure Bank is authorized to reduce the individual amount of loan funds made available to or on behalf of project sponsors pursuant to sections 2 and 4 of P.L.2020, c.48, as amended by P.L.2021, c.22 based upon final building costs defined in and determined in accordance with rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27) or rules and regulations adopted by the Commissioner of Environmental Protection pursuant to section 4 of P.L.1985, c.329, section 11 of P.L.1977, c.224 (C.58:12A-11) or section 5 of P.L.1981, c.261. The trust is authorized to use any such reduction in the loan amount made available to a project sponsor to cover that project sponsor's increased costs due to differing site conditions or other allowable expenses as defined and determined in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27).

b. The trust is authorized to increase each loan amount authorized in sections 2 and 4 of P.L.2020, c.48, as amended by P.L.2021, c.22 by the amount of capitalized interest and issuance expenses allocable to each loan made by the trust pursuant to P.L.2020, c.48, as amended by P.L.2021, c.22, provided that the increase for issuance expenses, excluding underwriters' discount, original issue discount or premiums, municipal bond insurance premiums and bond rating agency fees, and administrative expenses associated with federal funding programs, if applicable, shall not exceed 0.4 percent of the principal amount of trust bonds issued to make loans authorized by P.L.2020, c.48, as amended by P.L.2021, c.22.

c. The trust is authorized to increase each loan amount authorized in sections 2 and 4 of P.L.2020, c.48, as amended by P.L.2021, c.22 by the amount of reserve capacity expenses, and by the debt service reserve fund expenses associated with the costs identified in paragraphs (3) and (4) of subsection d. of section 1 of P.L.2020, c.48, as amended by P.L.2021, c.22.

d. The trust is authorized to increase each loan amount authorized in sections 2 and 4 of P.L.2020, c.48, as amended by P.L.2021, c.22 by the interest earned on amounts deposited for project costs pending their distribution to project sponsors.

e. The trust is authorized to increase each loan amount authorized in sections 2 and 4 of P.L.2020, c.48, as amended by P.L.2021, c.22 by the loan origination fee.

f. The trust is authorized to increase each loan amount authorized in sections 2 and 4 of P.L.2020, c.48, as amended by P.L.2021, c.22 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.2020, c.49, as amended by P.L.2021, c.21, in connection with the project costs of the project sponsor, to the extent the priority ranking or an insufficiency of funding prevents the department from meeting program demand, and for lead abatement projects ineligible for department loans under the Federal Clean Water Act and Safe Drinking Water Act.

8. Section 8 of P.L.2020, c.48 is amended to read as follows:

8. The New Jersey Infrastructure Bank is authorized to increase the individual amount of loan funds made available to project sponsors by the trust pursuant to P.L.1989, c.190, P.L.1990, c.97, P.L.1991, c.324, P.L.1992, c.37, P.L.1993, c.192, P.L.1994, c.105, P.L.1995, c.218, P.L.1996, c.87, P.L.1997, c.222, P.L.1998, c.85, P.L.1999, c.173, P.L.2000, c.93, P.L.2001, c.224, P.L.2002, c.71, P.L.2003, c.159, P.L.2004, c.110, P.L.2005, c.197, P.L.2006, c.67, P.L.2007, c.140, P.L.2008, c.67, P.L.2009, c.101, P.L.2010, c.62, P.L.2011, c.95, P.L.2012, c.38, P.L.2013, c.94, P.L.2014, c.26, P.L.2015, c.107, P.L.2016, c.31 as amended by P.L.2017, c.13, P.L.2017, c.142 as amended by P.L.2017, c.327, P.L.2018, c.84 as amended by P.L.2019, c.30, P.L.2019, c.192 as amended by P.L.2019, c.515, or P.L.2020, c.48, as amended by P.L.2021, c.22 provided that adequate savings are achieved, to compensate for a refunding of trust bonds issued to make loans authorized by the aforementioned acts.

9. Section 9 of P.L.2020, c.48 is amended to read as follows:

9. The expenditure of funds authorized pursuant to P.L.2020, c.48, as amended by P.L.2021, c.22 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, the rules and regulations adopted pursuant thereto, and the Federal Safe Drinking Water Act, as appropriate.

10. Section 10 of P.L.2020, c.48 is amended to read as follows:

10. a. There is appropriated to the New Jersey Infrastructure Bank, as needed to make short-term or temporary loans, from funds deposited in any account, including the "Wastewater Treatment Fund," the "1992 Wastewater Treatment Fund," the "Water Supply Fund," the "2003 Water Resources and

Wastewater Treatment Trust Fund," the "Stormwater Management and Combined Sewer Overflow Abatement Fund," the "Clean Water State Revolving Fund," or the "Drinking Water State Revolving Fund," as appropriate, from any funds transferred to the trust by the department pursuant to paragraph (21) of subsection a. of section 1 of P.L.2020, c.49, as amended by P.L.2021, c.21, and from any net earnings received from the investment and reinvestment of such deposits, the sum of up to \$600,000,000, to the extent funds are available, consisting of:

(1) The uncommitted balance currently on deposit as of July 1, 2020 in the special fund (hereinafter referred to as the "Interim Environmental 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 Environmental Financing Program") authorized pursuant to subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9), which balance previously had been appropriated to the trust for such purpose pursuant to section 11 of P.L.2019, c.192, less any Interim Environmental Financing Program Fund amounts appropriated to the Department of Environmental Protection to supplement the sums appropriated from the Clean Water State Revolving Fund for clean water projects pursuant to the Federal Clean Water Act and from the Drinking Water State Revolving Fund for drinking water projects pursuant to the Federal Safe Drinking Water Act, provided that at no time shall funds committed pursuant to this section exceed funds required by the Department of Environmental Protection to meet long-term obligations; and

(2) such other amounts to be deposited in the Interim Environmental Financing Program Fund, in an aggregate amount that does not exceed at any time, the amount appropriated, provided that the amount so reappropriated and appropriated to the trust for deposit in the Interim Environmental Financing Program Fund shall be utilized by the trust to make short-term or temporary loans pursuant to the Interim Environmental Financing Program to any one or more of the project sponsors, for the respective projects thereof, identified in the interim environmental financing project priority list (hereinafter referred to as the "Interim Environmental Financing Program Project Priority List") in the form provided to the Legislature by the Commissioner of Environmental Protection.

b. The Interim Environmental Financing Program Project Priority List shall be submitted to the Secretary of the Senate and the Clerk of the General Assembly at least once each fiscal year. The Secretary of the Senate and the Clerk of the General Assembly shall cause the date of submission to be entered

upon the Senate Journal and the Minutes of the General Assembly, respectively. Any environmental infrastructure project or the project sponsor thereof not identified in the Interim Environmental Financing Program Project Priority List shall not be eligible for a short-term or temporary loan from the Interim Environmental Financing Program Fund.

c. The trust may issue market rate interest short-term temporary loans for wastewater treatment and water supply projects on the Interim Environmental Financing Program Project Priority List for the reduction of lead in publicly-owned facilities otherwise ineligible to receive funding for that purpose pursuant to subsection a. of this section.

11. This act shall take effect immediately.

Approved February 22, 2021.

CHAPTER 23

AN ACT concerning the provision of care for trauma patients and supplementing Title 26 of the Revised Statutes.

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

C.26:2K-12.2 Conditions for licensure for emergency medical services provider.

1. a. Each emergency medical services provider in the State shall, as a condition of licensure, certify that its standards, practices, and protocols are in accordance with the "Guidelines for Field Triage of Injured Patients, Recommendations of the National Expert Panel on Field Triage, 2011; Centers for Disease Control and Prevention, MMWR, January 13, 2012, Vol. 61, No. 1," or such successor guidance as may be promulgated by the federal Centers for Disease Control and Prevention. Compliance with the requirements of this section shall be verified during the annual provider audit.

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

C.26:2K-70 Maintenance of trauma patient transfer criteria, agreements by general acute care hospital.

2. Each general acute care hospital licensed in the State pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) shall maintain trauma patient transfer criteria and transfer agreements, which criteria and agreements shall provide for the effective and efficient transfer of patients requiring the services of a trauma center. The Department of Health shall collect and post on its Internet website each hospital's transfer criteria and transfer agreements.

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

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

Approved February 22, 2021.

CHAPTER 24

AN ACT concerning disclosure of certain information with respect to certain public officials 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.1995, c.23 (C.47:1A-1.1) is amended to read as follows:

C.47:1A-1.1 Definitions.

1. As used in P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and supplemented:

"Biotechnology" means any technique that uses living organisms, or parts of living organisms, to make or modify products, to improve plants or animals, or to develop micro-organisms for specific uses; including the industrial use of recombinant DNA, cell fusion, and novel bioprocessing techniques.

"Custodian of a government record" or "custodian" means in the case of a municipality, the municipal clerk and in the case of any other public agency,

the officer officially designated by formal action of that agency's director or governing body, as the case may be.

"Government record" or "record" means any paper, written or printed book, document, drawing, map, plan, photograph, microfilm, data processed or image processed document, information stored or maintained electronically or by sound-recording or in a similar device, or any copy thereof, that has been made, maintained or kept on file in the course of his or its official business by any officer, commission, agency or authority of the State or of any political subdivision thereof, including subordinate boards thereof, or that has been received in the course of his or its official business by any such officer, commission, agency, or authority of the State or of any political subdivision thereof, including subordinate boards thereof. The terms shall not include inter-agency or intra-agency advisory, consultative, or deliberative material.

A government record shall not include the following information which is deemed to be confidential for the purposes of P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and supplemented:

- information received by a member of the Legislature from a constituent or information held by a member of the Legislature concerning a constituent, including but not limited to information in written form or contained in any e-mail or computer data base, or in any telephone record whatsoever, unless it is information the constituent is required by law to transmit;

- any memorandum, correspondence, notes, report or other communication prepared by, or for, the specific use of a member of the Legislature in the course of the member's official duties, except that this provision shall not apply to an otherwise publicly-accessible report which is required by law to be submitted to the Legislature or its members;

- any copy, reproduction or facsimile of any photograph, negative or print, including instant photographs and videotapes of the body, or any portion of the body, of a deceased person, taken by or for the medical examiner at the scene of death or in the course of a post mortem examination or autopsy made by or caused to be made by the medical examiner except:

 - when used in a criminal action or proceeding in this State which relates to the death of that person,

 - for the use as a court of this State permits, by order after good cause has been shown and after written notification of the request for the court order has been served at least five days before the order is made upon the county prosecutor for the county in which the post mortem examination or autopsy occurred,

 - for use in the field of forensic pathology or for use in medical or scientific education or research, or

for use by any law enforcement agency in this State or any other state or federal law enforcement agency;

criminal investigatory records;

the portion of any criminal record concerning a person's detection, apprehension, arrest, detention, trial or disposition for unlawful manufacturing, distributing, or dispensing, or possessing or having under control with intent to manufacture, distribute, or dispense, marijuana or hashish in violation of paragraph (11) of subsection b. of N.J.S.2C:35-5, or a lesser amount of marijuana or hashish in violation of paragraph (12) of subsection b. of that section, or a violation of either of those paragraphs and a violation of subsection a. of section 1 of P.L.1987, c.101 (C.2C:35-7) or subsection a. of section 1 of P.L.1997, c.327 (C.2C:35-7.1) for distributing, dispensing, or possessing, or having under control with intent to distribute or dispense, on or within 1,000 feet of any school property, or on or within 500 feet of the real property comprising a public housing facility, public park, or public building, or for obtaining, possessing, using, being under the influence of, or failing to make lawful disposition of marijuana or hashish in violation of paragraph (3) or (4) of subsection a., or subsection b., or subsection c. of N.J.S.2C:35-10, or for a violation of any of those provisions and a violation of N.J.S.2C:36-2 for using or possessing with intent to use drug paraphernalia with that marijuana or hashish;

victims' records, except that a victim of a crime shall have access to the victim's own records;

any written request by a crime victim for a record to which the victim is entitled to access as provided in this section, including, but not limited to, any law enforcement agency report, domestic violence offense report, and temporary or permanent restraining order;

personal firearms records, except for use by any person authorized by law to have access to these records or for use by any government agency, including any court or law enforcement agency, for purposes of the administration of justice;

personal identifying information received by the Division of Fish and Wildlife in the Department of Environmental Protection in connection with the issuance of any license authorizing hunting with a firearm. For the purposes of this paragraph, personal identifying information shall include, but not be limited to, identity, name, address, social security number, telephone number, fax number, driver's license number, email address, or social media address of any applicant or licensee;

trade secrets and proprietary commercial or financial information obtained from any source. For the purposes of this paragraph, trade secrets

shall include data processing software obtained by a public body under a licensing agreement which prohibits its disclosure;

any record within the attorney-client privilege. This paragraph shall not be construed as exempting from access attorney or consultant bills or invoices except that such bills or invoices may be redacted to remove any information protected by the attorney-client privilege;

administrative or technical information regarding computer hardware, software and networks which, if disclosed, would jeopardize computer security;

emergency or security information or procedures for any buildings or facility which, if disclosed, would jeopardize security of the building or facility or persons therein;

security measures and surveillance techniques which, if disclosed, would create a risk to the safety of persons, property, electronic data or software;

information which, if disclosed, would give an advantage to competitors or bidders;

information generated by or on behalf of public employers or public employees in connection with any sexual harassment complaint filed with a public employer or with any grievance filed by or against an individual or in connection with collective negotiations, including documents and statements of strategy or negotiating position;

information which is a communication between a public agency and its insurance carrier, administrative service organization or risk management office;

information which is to be kept confidential pursuant to court order;

any copy of form DD-214, NGB-22, or that form, issued by the United States Government, or any other certificate of honorable discharge, or copy thereof, from active service or the reserves of a branch of the Armed Forces of the United States, or from service in the organized militia of the State, that has been filed by an individual with a public agency, except that a veteran or the veteran's spouse or surviving spouse shall have access to the veteran's own records;

any copy of an oath of allegiance, oath of office or any affirmation taken upon assuming the duties of any public office, or that oath or affirmation, taken by a current or former officer or employee in any public office or position in this State or in any county or municipality of this State, including members of the Legislative Branch, Executive Branch, Judicial Branch, and all law enforcement entities, except that the full name, title, and oath date of that person contained therein shall not be deemed confidential;

that portion of any document which discloses the social security number, credit card number, unlisted telephone number or driver license number of

any person, or that portion of any document which discloses the home address, whether a primary or secondary residence, of any active, formerly active, or retired judicial officer or prosecutor, and any active, formerly active, or retired law enforcement officer; except for use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf thereof, or any private person or entity seeking to enforce payment of court-ordered child support; except with respect to the disclosure of driver information by the New Jersey Motor Vehicle Commission as permitted by section 2 of P.L.1997, c.188 (C.39:2-3.4); and except that a social security number contained in a record required by law to be made, maintained or kept on file by a public agency shall be disclosed when access to the document or disclosure of that information is not otherwise prohibited by State or federal law, regulation or order or by State statute, resolution of either or both houses of the Legislature, Executive Order of the Governor, rule of court or regulation promulgated under the authority of any statute or executive order of the Governor;

a list of persons identifying themselves as being in need of special assistance in the event of an emergency maintained by a municipality for public safety purposes pursuant to section 1 of P.L.2017, c.266 (C.40:48-2.67); and

a list of persons identifying themselves as being in need of special assistance in the event of an emergency maintained by a county for public safety purposes pursuant to section 6 of P.L.2011, c.178 (C.App.A:9-43.13).

A government record shall not include, with regard to any public institution of higher education, the following information which is deemed to be privileged and confidential:

pedagogical, scholarly and/or academic research records and/or the specific details of any research project conducted under the auspices of a public higher education institution in New Jersey, including, but not limited to research, development information, testing procedures, or information regarding test participants, related to the development or testing of any pharmaceutical or pharmaceutical delivery system, except that a custodian may not deny inspection of a government record or part thereof that gives the name, title, expenditures, source and amounts of funding and date when the final project summary of any research will be available;

test questions, scoring keys and other examination data pertaining to the administration of an examination for employment or academic examination;

records of pursuit of charitable contributions or records containing the identity of a donor of a gift if the donor requires non-disclosure of the donor's identity as a condition of making the gift provided that the donor has not

received any benefits of or from the institution of higher education in connection with such gift other than a request for memorialization or dedication;

valuable or rare collections of books or documents obtained by gift, grant, bequest or 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.

"Judicial officer" means any active, formerly active, or retired federal, state, county, or municipal judge, including a judge of the Tax Court and any other court of limited jurisdiction established, altered, or abolished by law, a

judge of the Office of Administrative Law, a judge of the Division of Workers' Compensation, and any other judge established by law who serves in the executive branch.

"Member of the Legislature" means any person elected or selected to serve in the New Jersey Senate or General Assembly.

"Criminal investigatory record" means a record which is not required by law to be made, maintained or kept on file that is held by a law enforcement agency which pertains to any criminal investigation or related civil enforcement proceeding.

"Victim's record" means an individually-identifiable file or document held by a victims' rights agency which pertains directly to a victim of a crime except that a victim of a crime shall have access to the victim's own records.

"Victim of a crime" means a person who has suffered personal or psychological injury or death or incurs loss of or injury to personal or real property as a result of a crime, or if such a person is deceased or incapacitated, a member of that person's immediate family.

"Victims' rights agency" means a public agency, or part thereof, the primary responsibility of which is providing services, including but not limited to food, shelter, or clothing, medical, psychiatric, psychological or legal services or referrals, information and referral services, counseling and support services, or financial services to victims of crimes, including victims of sexual assault, domestic violence, violent crime, child endangerment, child abuse or child neglect, and the Victims of Crime Compensation Board, established pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and continued as the Victims of Crime Compensation Office pursuant to P.L.2007, c.95 (C.52:4B-3.2 et al.) and Reorganization Plan No. 001-2008.

2. Section 6 of P.L.2001, c.404 (C.47:1A-5) is amended to read as follows:

C.47:1A-5 Times during which records may be inspected, examined, copied; access; copy fees.

6. a. The custodian of a government record shall permit the record to be inspected, examined, and copied by any person during regular business hours; or in the case of a municipality having a population of 5,000 or fewer according to the most recent federal decennial census, a board of education having a total district enrollment of 500 or fewer, or a public authority having less than \$10 million in assets, during not less than six regular business hours over not less than three business days per week or the entity's regularly-scheduled business hours, whichever is less; unless a government record is

exempt from public access by: P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and supplemented; any other statute; resolution of either or both houses of the Legislature; regulation promulgated under the authority of any statute or Executive Order of the Governor; Executive Order of the Governor; Rules of Court; any federal law; federal regulation; or federal order. Prior to allowing access to any government record, the custodian thereof shall redact from that record any information which discloses the social security number, credit card number, unlisted telephone number, or driver license number of any person, or the home address, whether a primary or secondary residence, of any active, formerly active, or retired judicial officer or prosecutor, and any active, formerly active, or retired law enforcement officer; except for use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf thereof, or any private person or entity seeking to enforce payment of court-ordered child support; except with respect to the disclosure of driver information by the New Jersey Motor Vehicle Commission as permitted by section 2 of P.L.1997, c.188 (C.39:2-3.4); and except that a social security number contained in a record required by law to be made, maintained or kept on file by a public agency shall be disclosed when access to the document or disclosure of that information is not otherwise prohibited by State or federal law, regulation or order or by State statute, resolution of either or both houses of the Legislature, Executive Order of the Governor, rule of court or regulation promulgated under the authority of any statute or executive order of the Governor. Except where an agency can demonstrate an emergent need, a regulation that limits access to government records shall not be retroactive in effect or applied to deny a request for access to a government record that is pending before the agency, the council or a court at the time of the adoption of the regulation.

b. (1) A copy or copies of a government record may be purchased by any person upon payment of the fee prescribed by law or regulation. Except as otherwise provided by law or regulation and except as provided in paragraph (2) of this subsection, the fee assessed for the duplication of a government record embodied in the form of printed matter shall be \$0.05 per letter size page or smaller, and \$0.07 per legal size page or larger. If a public agency can demonstrate that its actual costs for duplication of a government record exceed the foregoing rates, the public agency shall be permitted to charge the actual cost of duplicating the record. The actual cost of duplicating the record, upon which all copy fees are based, shall be the cost of materials and supplies used to make a copy of the record, but shall not include the cost of labor or other overhead expenses associated with making the copy except as provided for in

subsection c. of this section. Access to electronic records and non-printed materials shall be provided free of charge, but the public agency may charge for the actual costs of any needed supplies such as computer discs.

(2) No fee shall be charged to a victim of a crime for a copy or copies of a record to which the crime victim is entitled to access, as provided in section 1 of P.L.1995, c.23 (C.47:1A-1.1).

c. Whenever the nature, format, manner of collation, or volume of a government record embodied in the form of printed matter to be inspected, examined, or copied pursuant to this section is such that the record cannot be reproduced by ordinary document copying equipment in ordinary business size or involves an extraordinary expenditure of time and effort to accommodate the request, the public agency may charge, in addition to the actual cost of duplicating the record, a special service charge that shall be reasonable and shall be based upon the actual direct cost of providing the copy or copies; provided, however, that in the case of a municipality, rates for the duplication of particular records when the actual cost of copying exceeds the foregoing rates shall be established in advance by ordinance. The requestor shall have the opportunity to review and object to the charge prior to it being incurred.

d. A custodian shall permit access to a government record and provide a copy thereof in the medium requested if the public agency maintains the record in that medium. If the public agency does not maintain the record in the medium requested, the custodian shall either convert the record to the medium requested or provide a copy in some other meaningful medium. If a request is for a record: (1) in a medium not routinely used by the agency; (2) not routinely developed or maintained by an agency; or (3) requiring a substantial amount of manipulation or programming of information technology, the agency may charge, in addition to the actual cost of duplication, a special charge that shall be reasonable and shall be based on the cost for any extensive use of information technology, or for the labor cost of personnel providing the service, that is actually incurred by the agency or attributable to the agency for the programming, clerical, and supervisory assistance required, or both.

e. Immediate access ordinarily shall be granted to budgets, bills, vouchers, contracts, including collective negotiations agreements and individual employment contracts, and public employee salary and overtime information.

f. The custodian of a public agency shall adopt a form for the use of any person who requests access to a government record held or controlled by the public agency. The form shall provide space for the name, address, and phone number of the requestor and a brief description of the government record sought. The form shall include space for the custodian to indicate which record will be made available, when the record will be available, and the fees

to be charged. The form shall also include the following: (1) specific directions and procedures for requesting a record; (2) a statement as to whether prepayment of fees or a deposit is required; (3) the time period within which the public agency is required by P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and supplemented, to make the record available; (4) a statement of the requestor's right to challenge a decision by the public agency to deny access and the procedure for filing an appeal; (5) space for the custodian to list reasons if a request is denied in whole or in part; (6) space for the requestor to sign and date the form; (7) space for the custodian to sign and date the form if the request is fulfilled or denied. The custodian may require a deposit against costs for reproducing documents sought through an anonymous request whenever the custodian anticipates that the information thus requested will cost in excess of \$5 to reproduce.

g. A request for access to a government record shall be in writing and hand-delivered, mailed, transmitted electronically, or otherwise conveyed to the appropriate custodian. A custodian shall promptly comply with a request to inspect, examine, copy, or provide a copy of a government record. If the custodian is unable to comply with a request for access, the custodian shall indicate the specific basis therefor on the request form and promptly return it to the requestor. The custodian shall sign and date the form and provide the requestor with a copy thereof. If the custodian of a government record asserts that part of a particular record is exempt from public access pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and supplemented, the custodian shall delete or excise from a copy of the record that portion which the custodian asserts is exempt from access and shall promptly permit access to the remainder of the record. If the government record requested is temporarily unavailable because it is in use or in storage, the custodian shall so advise the requestor and shall make arrangements to promptly make available a copy of the record. If a request for access to a government record would substantially disrupt agency operations, the custodian may deny access to the record after attempting to reach a reasonable solution with the requestor that accommodates the interests of the requestor and the agency.

h. Any officer or employee of a public agency who receives a request for access to a government record shall forward the request to the custodian of the record or direct the requestor to the custodian of the record.

i. (1) Unless a shorter time period is otherwise provided by statute, regulation, or executive order, a custodian of a government record shall grant access to a government record or deny a request for access to a government record as soon as possible, but not later than seven business days after receiving the request, provided that the record is currently available and not in

storage or archived. In the event a custodian fails to respond within seven business days after receiving a request, the failure to respond shall be deemed a denial of the request, unless the requestor has elected not to provide a name, address or telephone number, or other means of contacting the requestor. If the requestor has elected not to provide a name, address, or telephone number, or other means of contacting the requestor, the custodian shall not be required to respond until the requestor reappears before the custodian seeking a response to the original request. If the government record is in storage or archived, the requestor shall be so advised within seven business days after the custodian receives the request. The requestor shall be advised by the custodian when the record can be made available. If the record is not made available by that time, access shall be deemed denied.

(2) During a period declared pursuant to the laws of this State as a state of emergency, public health emergency, or state of local disaster emergency, the deadlines by which to respond to a request for, or grant or deny access to, a government record under paragraph (1) of this subsection or subsection e. of this section shall not apply, provided, however, that the custodian of a government record shall make a reasonable effort, as the circumstances permit, to respond to a request for access to a government record within seven business days or as soon as possible thereafter.

j. A custodian shall post prominently in public view in the part or parts of the office or offices of the custodian that are open to or frequented by the public a statement that sets forth in clear, concise and specific terms the right to appeal a denial of, or failure to provide, access to a government record by any person for inspection, examination, or copying or for purchase of copies thereof and the procedure by which an appeal may be filed.

k. The files maintained by the Office of the Public Defender that relate to the handling of any case shall be considered confidential and shall not be open to inspection by any person unless authorized by law, court order, or the State Public Defender.

3. Section 2 of P.L.2015, c.226 (C.47:1-17) is amended to read as follows:

C.47:1-17 Publishing of certain information by governmental agency prohibited.

2. A State or local governmental agency shall not knowingly post or publish on the Internet, or repost, republish, or otherwise make available, the home address or unpublished home telephone number of any active, formerly active, or retired judicial officer, as defined by section 1 of P.L.1995, c.23

(C.47:1A-1.1), prosecutor, or law enforcement officer without first obtaining the written permission of that person.

4. Section 1 of P.L.2015, c.226 (C.2C:20-31.1) is amended to read as follows:

C.2C:20-31.1 Posting of certain information on the Internet; degree of crime.

1. A person shall not knowingly, with purpose to expose another to harassment or risk of harm to life or property, or in reckless disregard of the probability of such exposure, post or publish on the Internet, or repost, republish, or otherwise make available, the home address or unpublished home telephone number of any active, formerly active, or retired judicial officer, as defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), prosecutor, or law enforcement officer, or the spouse or child thereof. A reckless violation of this section is a crime of the fourth degree. A purposeful violation of this section is a crime of the third degree.

5. Section 3 of P.L.2015, c.226 (C.56:8-166.1) is amended to read as follows:

C.56:8-166.1 Person, business, association prohibited from publishing certain information on the Internet.

3. a. A person, business, or association shall not disclose on the Internet, or re-disclose or otherwise make available, the home address or unpublished home telephone number of any active, formerly active, or retired judicial officer, as defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), prosecutor, or law enforcement officer under circumstances in which a reasonable person would believe that providing that information would expose another to harassment or risk of harm to life or property.

b. A person, business, or association that violates subsection a. of this section shall be liable to the aggrieved person or any other person residing at the home address of the aggrieved person, who may bring a civil action in the Superior Court.

c. The court may award:

(1) actual damages, but not less than liquidated damages computed at the rate of \$1,000 for each violation of this act;

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

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

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

d. For the purposes of this section, "disclose" shall mean to solicit, sell, manufacture, give, provide, lend, trade, mail, deliver, transfer, post, publish, distribute, circulate, disseminate, present, exhibit, advertise or offer.

6. Section 7 of P.L.2020, c.125 (C.56:8-166.2) is amended to read as follows:

C.56:8-166.2 Request to remove certain information.

7. a. (1) Any active, formerly active, or retired judicial officer, as defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or prosecutor, whose home address or unpublished telephone number is disclosed on the Internet, or re-disclosed or otherwise made available, by any person, business, or association, or whose immediate family member's name, home address, or unpublished telephone number is disclosed on the Internet, or re-disclosed or otherwise made available, by any person, business, or association, which in the case of a family member's name or home address may be used, alone or in conjunction with any other information, to identify the person as the family member of a judicial officer or prosecutor, may request that the person, business, or association that disclosed, re-disclosed, or otherwise made available that information refrain from that action and remove the information from the Internet or where otherwise made available.

(2) Beginning 18 months after the enactment of P.L.2020, c.125 (C.56:8-166.2 et al.), any law enforcement officer whose home address or unpublished home telephone number is disclosed on the Internet, or re-disclosed or otherwise made available, by any person, business, or association, or whose immediate family member's name, home address, or unpublished telephone number is disclosed on the Internet, or re-disclosed or otherwise made available, by any person, business, or association, which in the case of a family member's name or home address may be used, alone or in conjunction with any other information, to identify the person as the family member of a law enforcement officer, may request that the person, business, or association that disclosed, re-disclosed, or otherwise made available that information refrain from that action and remove the information from the Internet or where otherwise made available.

For purposes of this section, "immediate family member" shall include a spouse, child, or parent of an active, formerly active, or retired judicial officer, as defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), prosecutor, or law enforcement officer, or any other family member related by blood or by law to the judicial officer, prosecutor, or law enforcement officer who lives in the same residence.

b. (1) A request to refrain and remove information pursuant to subsection a. of this section shall be made in writing, addressed to the person, business, or association that disclosed, re-disclosed, or otherwise made available the information, and may be made by the judicial officer, as defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), prosecutor, or law enforcement officer, as appropriate, or by the person's employer with the consent of that person.

(2) Upon receipt of a written request to refrain and remove information, the person, business, or association that disclosed, re-disclosed, or otherwise made available the information shall have 72 hours to remove that information from the Internet or where otherwise made available, and shall not disclose, re-disclose, or otherwise make available that information to any other person, business, or association through any medium.

c. An active, formerly active, or retired judicial officer, prosecutor, or law enforcement officer whose own information, or immediate family member's information, was not timely removed from the Internet or where otherwise made available within 72 hours by a person, business, or association following receipt of a written request to refrain and remove that information, or the person, business, or association re-discloses on the Internet or otherwise makes available the same information at any time subsequent to receipt of the written request, may bring an action seeking injunctive or declaratory relief in the Superior Court. If the court grants injunctive or declaratory relief, the person, business, or association responsible for the violation shall be required to pay reasonable attorney's fees and other litigation costs reasonably incurred by the judicial officer, prosecutor, or law enforcement officer, as appropriate.

7. Section 9 of P.L.2020, c.125 is amended to read as follows:

9. This act shall take effect on December 10, 2021, except that the amendments enacted by P.L.2020, c.125 to section 1 of P.L.1995, c.23 (C.47:1A-1.1), section 6 of P.L.2001, c.404 (C.47:1A-5), section 2 of P.L.2015, c.226 (C.47:1-17), section 1 of P.L.2015, c.226 (C.2C:20-31.1), and section 3 of P.L.2015, c.226 (C.56:8-166.1) concerning law enforcement officers shall not become operative or enforceable until 18 months thereafter, and except that section 7 of P.L.2020, c.125 (C.56:8-166.2) shall take effect immediately. Any anticipatory administrative action may be taken in advance of the operative date of any provision of P.L.2020, c.125 that is necessary for the implementation of those provisions.

8. Any regulations or amendments to regulations necessary to effectuate the purposes of this act, P.L.2021, c.24, or of P.L.2020, c.125 shall be effective immediately upon filing with the Office of Administrative Law for

a period not to exceed 30 months, and may, thereafter, be amended, adopted, or readopted in accordance with the provisions of the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.).

9. This act shall take effect immediately and shall be retroactive to November 20, 2020.

Approved February 22, 2021.

CHAPTER 25

AN ACT addressing certain regulated substances, with a particular emphasis on possession or consumption of various forms of cannabis by certain persons, and revising and supplementing various parts of the statutory law.

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

Title amended.

1. The title of P.L.1979, c.264 is amended to read as follows:

AN ACT concerning certain offenses by persons under the legal age to purchase various regulated items, and supplementing chapter 33 of Title 2C of the New Jersey Statutes.

2. Section 1 of P.L.1979, c.264 (C.2C:33-15) is amended to read as follows:

C.2C:33-15 Possession, consumption by persons under legal age; penalty.

1. a. (1) Any person under the legal age to purchase alcoholic beverages, or under the legal age to purchase cannabis items, who knowingly possesses without legal authority or who knowingly consumes any alcoholic beverage, cannabis item, marijuana, or hashish in any school, public conveyance, public place, or place of public assembly, or motor vehicle shall be subject to the following consequences:

(a) for a first violation, a written warning issued by a law enforcement officer to the underage person. The written warning shall include the person's name, address, and date of birth, and a copy of the warning containing this information, plus a sworn statement that includes a description of the relevant facts and circumstances that support the officer's determination that the person

committed the violation, shall be temporarily maintained in accordance with this section only for the purposes of determining a second or subsequent violation subject to the consequences set forth in subparagraph (b) or (c) of this paragraph. Notwithstanding the provisions of section 3 of P.L.1991, c.169 (C.33:1-81.1a) concerning written notification of a violation of this section by a person under 18 years of age to the parent, guardian or other person having legal custody of the underage person, a written notification shall not be provided pursuant to that section for a first violation of this paragraph.

(b) for a second violation, a written warning issued by a law enforcement officer to the underage person indicating that a second violation has occurred, which includes the person's name, address, and date of birth. If the violation is by a person 18 years of age or older, the officer shall provide the person with informational materials about how to access community services provided by public or private agencies and organizations that shall assist the person with opportunities to access further social services, including but not limited to counseling, tutoring programs, mentoring services, and faith-based or other community initiatives. If the violation is by a person under 18 years of age, a written notification concerning the second violation, along with a copy of the written warning for the person's first violation, shall be provided to the parent, guardian or other person having legal custody of the underage person in accordance with section 3 of P.L.1991, c.169 (C.33:1-81.1a). The written notification shall include the same or similar informational materials about how to access community services provided by public or private agencies and organizations as those provided directly by a law enforcement officer to a person 18 years of age or older who commits a second violation of this paragraph. A copy of the second written warning to the underage person, and, if applicable, the written notification to the parent, guardian or other person having legal custody of the underage person concerning the second warning, plus a sworn statement that includes a description of the relevant facts and circumstances that support the officer's determination that the person committed the second violation, shall be temporarily maintained in accordance with this section only for the purposes of determining a subsequent violation subject to the consequences set forth in subparagraph (c) of this paragraph.

(c) for a third or subsequent violation, a write-up issued by a law enforcement officer to the underage person indicating that a third or subsequent violation has occurred, which includes the person's name, address, and date of birth. If the violation is by a person 18 years of age or older, the officer shall include with the write-up a referral for accessing community services provided by a public or private agency or organization, and provide notice to that agency or organization of the referral which may also be used to initiate contact with the person,

and the agency or organization shall offer assistance to the person with opportunities to access further social services, including but not limited to counseling, tutoring programs, mentoring services, and faith-based or other community initiatives. If the violation is by a person under 18 years of age, a written notification concerning the third or subsequent violation shall be provided to the parent, guardian or other person having legal custody of the underage person in accordance with section 3 of P.L.1991, c.169 (C.33:1-81.1a). The written notification shall include a referral for the person and the parent, guardian or other person having legal custody of the underage person for accessing community services provided by a public or private agency or organization, and provide notice to that agency or organization of the referral which may also then be used to initiate contact with both persons, and the agency or organization shall offer assistance to both with opportunities to access further social services, including counseling, tutoring programs, mentoring services, and faith-based or other community initiatives. A copy of a write-up for a third or subsequent violation, the written notification to the parent, guardian or other person having legal custody of the underage person, if applicable, and accompanying referrals, plus a sworn statement that includes a description of the relevant facts and circumstances that support the officer's determination that the person committed the third or subsequent violation, shall be temporarily maintained in accordance with this section only to the extent necessary to track referrals to agencies and organizations, as well as for the purposes of determining a subsequent violation subject to the consequences set forth in this subparagraph.

The failure of a person under the legal age to purchase alcoholic beverages or cannabis items, or the failure of a parent, guardian or other person having legal custody of the underage person, to accept assistance from an agency or organization to which a law enforcement referral was made, or to access any community services provided by that agency or organization shall not result in any summons, initiation of a complaint, or other legal action to be adjudicated and enforced in any court.

(2) (a) A person under the legal age to purchase alcoholic beverages or cannabis items is not capable of giving lawful consent to a search to determine a violation of this section, and a law enforcement officer shall not request that a person consent to a search for that purpose.

(b) The odor of an alcoholic beverage, marijuana, hashish, cannabis, or cannabis item, or burnt marijuana, hashish, cannabis, or cannabis item, shall not constitute reasonable articulable suspicion to initiate an investigatory stop of a person, nor shall it constitute probable cause to initiate a search of a person or that person's personal property to determine a violation of paragraph (1) of this subsection. Additionally, the unconcealed possession of an

alcoholic beverage, marijuana, hashish, or cannabis item in violation of paragraph (1) of this subsection, observed in plain sight by a law enforcement officer, shall not constitute probable cause to initiate a search of a person or that person's personal property to determine any further violation of that paragraph or any other violation of law.

(3) A person under the legal age to purchase alcoholic beverages or cannabis items who violates paragraph (1) of this subsection for possessing or consuming an alcoholic beverage, marijuana, hashish, or a cannabis item shall not be subject to arrest, and shall not be subject to detention or otherwise be taken into custody by a law enforcement officer except to the extent required to issue a written warning or write-up, provide notice of a violation to a parent, guardian or other person having legal custody of the underage person in accordance with section 3 of P.L.1991, c.169 (C.33:1-81a), or make referrals for accessing community services provided by a public or private agency or organization due to a third or subsequent violation, unless the person is being arrested, detained, or otherwise taken into custody for also committing another violation of law for which that action is legally permitted or required.

(4) Consistent with the provisions of subsection c. of section 1 of P.L.2020, c.129 (C.40A:14-118.5), the video and audio recording functions of a law enforcement officer's body worn camera, as defined in that section, shall be activated whenever the law enforcement officer is responding to a call for service related to a violation or suspected violation of paragraph (1) of this subsection for possessing or consuming an alcoholic beverage, marijuana, hashish, or a cannabis item, or at the initiation of any other law enforcement or investigative encounter between an officer and a person related to a violation or suspected violation of that paragraph, and shall remain activated until the encounter has fully concluded and the officer leaves the scene of the encounter; provided, however, that the video and audio recording functions of a body worn camera shall not be deactivated pursuant to subparagraph (a) of paragraph (2) of subsection c. of P.L.2020, c.129 (C.40A:14-118.5), based on a request to deactivate the camera by a person who is the subject of a responsive call for service or law enforcement or investigative encounter related to a violation or suspected violation of paragraph (1) of this subsection.

(5) As part of the process for the issuance of a written warning or write-up to a person for a violation of paragraph (1) of this subsection, the law enforcement officer shall take possession of any alcoholic beverage, marijuana, hashish, or cannabis item from the person, and any drug or cannabis paraphernalia for use with any marijuana, hashish, or cannabis item. The existence and description of the alcoholic beverage, marijuana, hashish, or cannabis item, and

any drug or cannabis paraphernalia shall be included in the sworn statement that includes a description of the relevant facts and circumstances that support the officer's determination that the person committed a violation, and which record is temporarily maintained in accordance with this section to determine subsequent possession or consumption violations, and track referrals for accessing community services provided by a public or private agency or organization due to a third or subsequent violation. Any alcoholic beverage, marijuana, hashish, cannabis item, or drug or cannabis paraphernalia obtained by the law enforcement officer shall either be destroyed or secured for use in law enforcement training or educational programs in accordance with applicable law and directives issued by the Attorney General.

(6) With respect to any violation of paragraph (1) of this subsection concerning the possession or consumption of an alcoholic beverage, marijuana, hashish, or any cannabis item:

(a) a person under the legal age to purchase alcoholic beverages or cannabis items shall not be photographed or fingerprinted, notwithstanding any provisions of section 2 of P.L.1982, c.79 (C.2A:4A-61) to the contrary;

(b) (i) any copy of any written warning or write-up issued to a person under the legal age to purchase alcoholic beverages or cannabis items, written notification provided to the person's parent, guardian or other person having legal custody in accordance with section 3 of P.L.1991, c.169 (C.33:1-81.1a), sworn statement describing the relevant facts and circumstances that support an officer's determination that a person committed a violation, or referrals for accessing community services provided by a public or private agency or organization pertaining to a third or subsequent violation shall be segregated and maintained in a separate physical location or electronic repository or database from any other records maintained by a law enforcement agency, and reported to the Attorney General in a manner so that they are similarly segregated and maintained in a separate physical location or electronic repository or database from other law enforcement records accessible to the Attorney General and State and local law enforcement agencies, and shall not be transferred to or copied and placed in any other physical location or electronic repository or database containing any other law enforcement records. These records shall only be used to the extent necessary to determine a subsequent violation of paragraph (1) of this subsection or to track referrals to agencies and organizations, and shall not be revealed, reviewed, or considered in any manner with respect to any current or subsequent juvenile delinquency matter, including but not limited to, a charge, filing, eligibility or decision for diversion or discharge, or sentencing, other disposition, or related decision affecting the juvenile, or with respect to any current or

subsequent prosecution for committing an offense or other violation of law, including but not limited to, a charge, filing, eligibility or decision for diversion or discharge, or sentencing, other disposition, or related decision affecting an adult under 21 years of age. Also, these records shall be deemed confidential and shall not be subject to public inspection or copying pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.), and their existence shall not be acknowledged based upon any inquiry in the same manner as if the records were expunged records pursuant to the provisions of subsection a. of N.J.S.2C:52-15.

The Attorney General may use the records described herein to generate the number of occurrences and other statistics concerning first, second, third and subsequent violations of paragraph (1) of this subsection, the municipal, county or other geographic areas within which first, second, third and subsequent violations occur, and the law enforcement agencies involved in first, second, third and subsequent violations, which are to be compiled and made available by the Attorney General in accordance with section 4 of P.L.2021, c.25 (C.2C:33-15.1). The identity of any person named in a record shall not be revealed or included in the information to be compiled and made available in accordance with that section.

The records of violations shall only be maintained temporarily and shall be destroyed or permanently deleted as set forth in subparagraph (c) of this paragraph.

(ii) any records pertaining to a person's acceptance of assistance from an agency or organization to which a law enforcement referral was made shall not be revealed, reviewed, or considered in any manner with respect to any current or subsequent juvenile delinquency matter, including but not limited to, a charge, filing, eligibility or decision for diversion or discharge, or sentencing, other disposition, or related decision affecting the juvenile, or with respect to any current or subsequent prosecution for committing an offense or other violation of law, including but not limited to, a charge, filing, eligibility or decision for diversion or discharge, or sentencing, other disposition, or related decision affecting an adult under 21 years of age. Also, these records shall be deemed confidential and shall not be subject to public inspection or copying pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.), and their existence shall not be acknowledged based upon any inquiry in the same manner as if the records were expunged records pursuant to the provisions of subsection a. of N.J.S.2C:52-15.

(c) all of the records maintained by a law enforcement agency and reported to the Attorney General as described in subsubparagraph (i) of subparagraph

(b) of this paragraph shall be destroyed or permanently deleted by the law enforcement agency and Attorney General on the second anniversary following the creation of the record concerning a violation, or not later than the last day of the month in which that second anniversary date falls, or alternatively not later than the 21st birthday of a person who is the subject of a record, or not later than the last day of the month in which that birthday falls, whichever date occurs sooner, except that a record shall be maintained upon request by the person named in the record or representative thereof, the law enforcement officer who made the record, or the law enforcement agency currently maintaining the record if it involves a lawsuit, disciplinary complaint, or criminal prosecution arising from the violation described in the record, based on an assertion that the record has evidentiary or exculpatory value. Upon final disposition of the matter for which the extended record retention was requested, the record shall be destroyed or permanently deleted.

(d) A law enforcement officer shall be guilty of the crime of official deprivation of civil rights as set forth in section 3 of P.L.2021, c.25 (C.2C:30-6.1) for violating the provisions of paragraph (1) of this subsection that address law enforcement actions involving persons who are under the legal age to purchase alcoholic beverages or cannabis items.

b. (Deleted by amendment, P.L.2021, c.25)

c. (Deleted by amendment, P.L.2021, c.25)

d. Nothing in this act shall apply to possession of alcoholic beverages by any such person while actually engaged in the performance of employment pursuant to an employment permit issued by the Director of the Division of Alcoholic Beverage Control, or for a bona fide hotel or restaurant, in accordance with the provisions of R.S.33:1-26, or while actively engaged in the preparation of food while enrolled in a culinary arts or hotel management program at a county vocational school or post-secondary educational institution; and nothing in this section shall apply to possession of cannabis items by any such person while actually engaged in the performance of employment by a cannabis establishment, distributor, or delivery service as permitted pursuant to the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act," P.L.2021, c.16 (C.24:6I-31 et al.).

e. Except as otherwise provided in this section, the provisions of section 3 of P.L.1991, c.169 (C.33:1-81.1a) shall apply to a parent, guardian or other person with legal custody of a person under 18 years of age who is found to be in violation of this section.

f. An underage person and one or two other persons shall be immune from prosecution under this section if:

(1) one of the underage persons called 9-1-1 and reported that another underage person was in need of medical assistance due to alcohol consumption, or the consumption of marijuana, hashish, or a cannabis item;

(2) the underage person who called 9-1-1 and, if applicable, one or two other persons acting in concert with the underage person who called 9-1-1 provided each of their names to the 9-1-1 operator;

(3) the underage person was the first person to make the 9-1-1 report; and

(4) the underage person and, if applicable, one or two other persons acting in concert with the underage person who made the 9-1-1 call remained on the scene with the person under the legal age in need of medical assistance until assistance arrived and cooperated with medical assistance and law enforcement personnel on the scene.

The underage person who received medical assistance also shall be immune from prosecution under this section.

g. For purposes of this section, an alcoholic beverage includes powdered alcohol as defined by R.S.33:1-1, a cannabis item includes any item available for lawful consumption pursuant to the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act,” P.L.2021, c.16 (C.24:6I-31 et al.), and the terms “marijuana” and “hashish” have the same meaning as set forth in N.J.S.2C:35-2, and the terms “drug paraphernalia” and “cannabis paraphernalia” have the same meaning as set forth in N.J.S.2C:36-1 and section 3 of P.L.2021, c.16 (C.24:6I-33), respectively.

C.2C:30-6.1 Crime of official deprivation of civil rights relative to possession of certain items.

3. A law enforcement officer, when responding to a call for service or upon the initiation of any other law enforcement or investigative encounter related to a violation or suspected violation of paragraph (1) of subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15), concerning the possession or consumption of alcoholic beverages, marijuana, hashish, or any cannabis item by a person under the legal age to purchase alcoholic beverages or cannabis items, shall be guilty of a crime of official deprivation of civil rights as defined in section 2 of P.L.2003, c.31 (C.2C:30-6) if that officer knowingly violates the provisions of subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15) that address law enforcement actions involving persons who are under the legal age to purchase alcoholic beverages or cannabis items by requesting that a person consent to a search who is not capable of giving lawful consent or searching a person after wrongfully obtaining that person’s consent, initiating an investigatory stop without reasonable articulable suspicion, initiating a search without probable cause, issuing a warning or write-up without a proper basis that a person committed a violation, or detaining

or taking into custody a person in a manner or for a longer period beyond the extent required to issue a warning or write-up, or arresting a person for a possession or consumption violation of paragraph (1) of subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15), or if that officer knowingly engages in any other unlawful act, as described in subsection e. of section 2 of P.L.2003, c.31 (C.2C:30-6), against the person arising out of the call for service or initiation of any other law enforcement or investigative encounter, including but not limited to the unjustified use of force in violation of N.J.S.2C:3-7. A violation set forth in this section shall not require that the law enforcement officer have acted with the purpose to intimidate or discriminate against a person or group of persons because of race, color, religion, gender, handicap, sexual orientation or ethnicity. A violation of this section shall be graded in the same manner as set forth in section 2 of P.L.2003, c.21 (C.2C:30-6) for other crimes of official deprivation of civil rights.

C.2C:33-15.1 Report by Attorney General; taskforce.

4. a. (1) The Attorney General shall biannually issue a comprehensive report detailing the number of occurrences and other statistics, without revealing or including any personal identifying information, concerning first, second, third and subsequent violations of paragraph (1) of subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15) involving the possession or consumption of any alcoholic beverage, marijuana, hashish, or cannabis items by persons under the legal age to purchase alcoholic beverages or cannabis items, the municipal, county or other geographic areas within which first, second, third and subsequent violations occur, and the law enforcement agencies involved in first, second, third and subsequent violations, covering the previous six-month period. The initial report shall be issued by June 30, 2021, the second report shall be issued by January 30, 2022, and then the next report issued every six months thereafter. Each report shall also be submitted to the Governor and the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1).

(2) The Attorney General shall also make reports available to the task force established pursuant to subsection b. of this section based on the Attorney General's periodic review of body worn camera recordings of law enforcement officers responding to a call for service related to a violation or suspected violation of paragraph (1) of subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15), or at the initiation of any other law enforcement or investigative encounter between an officer and a person related to a violation or suspected violation of that paragraph, which recordings are required to be made in accordance with paragraph (4) of subsection a. of section 1 of P.L.1979, c.264

(C.2C:33-15). The periodic review shall be conducted using body worn camera recordings both selected by the Attorney General and randomly determined, and the task force may request an Attorney General review a particular municipality, region, or time period. The identity of any person included in a recording reviewed by the Attorney General shall be kept confidential and shall not be revealed to the members of the task force or any staff provided to the task force by the Department of Law and Public Safety pursuant to paragraph (6) of subsection b. of this section to support its work.

b. (1) A taskforce shall be established in the Department of Law and Public Safety, comprised of 26 members to review each Attorney General report described in subsection a. of this section, and make recommendations thereon to the Governor and Legislature related to law enforcement activities to address the enforcement of underage possession or consumption of alcoholic beverages, marijuana, hashish, or cannabis items in violation of section 1 of P.L.1979, c.264 (C.2C:33-15), as well as the broader issue of underage possession or consumption of these substances.

(2) The membership of the taskforce shall include the following individuals:

- (a) the Attorney General, or a designee;
- (b) the Public Defender, or a designee;
- (c) the Commissioner of the Department of Children and Families, or a designee;
- (d) the Commissioner of Education, or a designee;
- (e) a representative from the Juvenile Justice Commission, appointed by the Governor;
- (f) a representative from the Division of Criminal Justice in the Department of Law and Public Safety, appointed by the Governor;
- (g) the Chair of the Governor's Juvenile Justice Delinquency and Prevention Committee;
- (h) two members appointed by the Governor upon the recommendation of the President of the Senate, at least one of whom shall be a member of the Legislative Black Caucus or Legislative Latino Caucus, determined in coordination with the members recommended by the Speaker of the General Assembly pursuant to subparagraph (i) of this paragraph, so that there is at least one member of each caucus serving as a member of the task force;
- (i) two members appointed by the Governor upon the recommendation of the Speaker of the General Assembly, at least one of whom shall be a member of the Legislative Black Caucus or Legislative Latino Caucus, determined in coordination with the members recom-

mended by the Senate President pursuant to subparagraph (h) of this paragraph, so that there is at least one member of each caucus serving as a member of the task force;

(j) the Administrative Director of the Courts, or a designee;

(k) a representative from the New Jersey Institute for Social Justice, appointed by the Governor;

(l) a representative from the American Civil Liberties Union of New Jersey, appointed by the Governor;

(m) a representative from the County Prosecutors Association of New Jersey who is actively and presently involved in juvenile matters, appointed by the Governor;

(n) a representative from the New Jersey Juvenile Officers Association, appointed by the Governor;

(o) one representative each from the Annie E. Casey Foundation and Vera Institute of Justice, both appointed by the Governor;

(p) a representative of the NAACP New Jersey State Conference, appointed by the Governor;

(q) a representative of Salvation and Social Justice, appointed by the Governor;

(r) a representative from the County Youth Services Commission Administrators, appointed by the Governor;

(s) a representative from the faith-based ethical community in New Jersey, appointed by the Governor;

(t) a representative of an employee organization representing employees who work at juvenile justice facilities, appointed by the Governor; and

(u) three representatives who have been involved with the New Jersey juvenile justice system, appointed by the Governor, including at least one representative of a non-profit organization that deals with juvenile justice issues and at least one individual who has been subject to the custody of the juvenile justice system.

(3) All members appointed by the Governor, other than the members of the Legislature recommended for appointment, shall serve at the pleasure of the Governor. The members of the Legislature shall serve on the task force during their elective term of office. Any vacancies in the membership of the task force shall be filled in the same manner as the original appointments were made.

(4) Members of the task force shall serve without compensation, but shall be reimbursed for necessary expenditures incurred in the performance of their duties as members of the task force within the limits of funds appropriated or otherwise made available to the task force for its purposes.

(5) The task force shall organize as soon as practicable following the appointment of its members. The task force shall choose a chairperson from

among its members and shall appoint a secretary who need not be a member of the task force.

(6) The Department of Law and Public Safety shall provide such stenographic, clerical, and other administrative assistants, and such professional staff as the task force requires to carry out its work.

5. Section 41 of P.L.2021, c.16 (C.24:6I-50) is amended to read as follows:

C.24:6I-50 Cannabis regulatory, enforcement assistance, and marketplace modernization fund.

41. Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Fund.

a. All fees and penalties collected by the commission, and all tax revenues on retail sales of cannabis items, and all tax revenues collected pursuant to the provisions of the “Jake Honig Compassionate Use Medical Cannabis Act,” P.L.2009, c.307 (C.24:6I-1 et al.), except for amounts credited to the Property Tax Reform Account in the Property Tax Relief Fund pursuant to paragraph 7 of Section I of Article VIII of the New Jersey Constitution, as well as all revenues, if any, collected for the Social Equity Excise Fee pursuant to section 39 of P.L.2021, c.16 (C.54:47F-1), shall be deposited in a special nonlapsing fund which shall be known as the “Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Fund,” with 15 percent of the monies deposited being placed into an account within the fund to be known as the “Underage Deterrence and Prevention Account.”

b. Monies in the fund, other than any monies derived from the Social Equity Excise Fee to be appropriated annually in accordance with subsection d. of this section and the monies placed into the “Underage Deterrence and Prevention Account” within the fund for the commission to fund programs and services in accordance with subsection e. of this section, shall be appropriated annually as follows:

(1) at least 70 percent of all tax revenues on retail sales of cannabis items shall be appropriated for investments, including through grants, loans, reimbursements of expenses, and other financial assistance, in municipalities defined as an “impact zone” pursuant to section 3 of P.L.2021, c.16 (C.24:6I-33), as well as provide direct financial assistance to qualifying persons residing therein as recommended by the commission; and (2) the remainder of the monies in the fund shall be appropriated by the Legislature to include the following:

(a) to oversee the development, regulation, and enforcement of activities associated with the personal use of cannabis pursuant to P.L.2021, c.16

(C.24:6I-31 et al.), and assist with assuming responsibility from the Department of Health for the further development and expansion, regulation, and enforcement of activities associated with the medical use of cannabis pursuant to the “Jake Honig Compassionate Use Medical Cannabis Act,” P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.);

(b) to reimburse the expenses incurred by any county or municipality for the training costs associated with the attendance and participation of a police officer from its law enforcement unit, as those terms are defined in section 2 of P.L.1961, c.56 (C.52:17B-67), in a program provided by an approved school, also defined in that section, which trains and certifies the police officer, including a police officer with a working dog as that term is defined in section 1 of P.L.2006, c.88 (C.10:5-29.7), as a Drug Recognition Expert for detecting, identifying, and apprehending drug-impaired motor vehicle operators, and pay for the same training costs incurred by the Division of State Police in the Department of Law and Public Safety for the training of a State police officer or trooper, including an officer or trooper with a working dog, as a Drug Recognition Expert, as well as its costs in furnishing additional program instructors to provide Drug Recognition Expert training to police officers, troopers, and working dogs. A municipality or county seeking reimbursement shall apply to the commission, itemizing the costs, with appropriate proofs, for which reimbursement is requested and provide a copy of the certificate issued to the police officer to indicate the successful completion of the program by the police officer, and that officer’s working dog, if applicable; and

(c) for further investments, including through grants, loans, reimbursements of expenses, and other financial assistance, in municipalities defined as an “impact zone” pursuant to section 3 of P.L.2021, c.16 (C.24:6I-33), as well as provide direct financial assistance to qualifying persons residing therein as recommended by the commission.

The monies appropriated pursuant to paragraph (1) of this subsection shall be offset by any revenue constitutionally dedicated to municipalities defined as an “impact zone” pursuant to section 3 of P.L.2021, c.16 (C.24:6I-33).

c. Any remaining available monies, after the appropriation of those monies in the fund in accordance with subsection b. of this section, shall be deposited in the State’s General Fund.

d. (1) (a) Not less than 60 days prior to the first day of each State fiscal year, the commission shall consult and make recommendations to the Governor and Legislature for making social equity appropriations based upon the amount of any revenues collected during the current fiscal year for the Social Equity Excise Fee pursuant to section 39 of P.L.2021, c.16 (C.54:47F-1), or,

if the commission has not imposed or adjusted the excise fee in the current fiscal year pursuant to that section, then appropriations to be made from the General Fund in an amount equal to the revenues that would have been collected had it imposed or adjusted the fee, in order to invest, through grants, loans, reimbursements of expenses, and other financial assistance, in private for-profit and non-profit organizations, public entities, including any municipality defined as an “impact zone” pursuant to section 3 of P.L.2021, c.16 (C.24:6I-33) as well as provide direct financial assistance to qualifying persons as determined by the commission, in order to create, expand, or promote educational and economic opportunities and activities, and the health and well-being of both communities and individuals.

(b) Not less than 30 days prior to submitting its recommendations to the Governor and Legislature pursuant to subparagraph (a) of this paragraph, the commission shall hold at least three regional public hearings throughout the State, with at least one hearing in the northern, central, and southern regions of the State, to solicit the public input on the social equity investments to be made as described in this section.

(2) The commission’s recommendations to the Governor and Legislature may include, but are not limited to, recommending investments in the following categories of social equity programs:

(a) educational support, including literacy programs, extended learning time programs that endeavor to close the achievement gap and provide services for enrolled students after the traditional school day, GED application and preparedness assistance, tutoring programs, vocational programming, and financial literacy;

(b) economic development, including the encouragement and support of community activities so as to stimulate economic activity or increase or preserve residential amenities, and business marketing, and job skills and readiness training, specific employment training, and apprenticeships;

(c) social support services, including food assistance, mental health services, substance use disorders treatment and recovery, youth recreation and mentoring services, life skills support services, and reentry and other rehabilitative services for adults and juveniles being released from incarceration; and

(d) legal aid for civil and criminal cases, regardless of a party’s citizenship or immigration status.

(3) The commission may also, subject to the annual appropriations act, recommend that it retain a portion of the Social Equity Excise Fee to administer startup grants, low-interest loans, application fee assistance, and job training programs through the commission’s Office of Minority, Disabled

Veterans and Women Cannabis Business Development established by section 32 of P.L.2019, c.153 (24:6I-25).

(4) Prior to the first day of each fiscal year, the Legislature shall provide to the commission a statement which lists the investments, including the investment recipients and investment amount, to be made by appropriations as set forth in paragraph (1) of this subsection based upon recommendations presented to the Governor and Legislature pursuant to paragraphs (1) through (3) of this subsection, and how the investment is intended to support and advance social equity as described in this subsection.

e. The monies deposited in the "Underage Deterrence and Prevention Account" within the fund shall be used by the commission, based on the acceptance of applications submitted on a form and through an approval or denial process promulgated by the commission, to fund private for-profit and non-profit organizations, and county and municipal programs and services that offer social services, educational, recreational, and employment opportunities, and local economic development designed to encourage, improve, and support youthful community activities to divert and prevent persons under 18 years of age from activities associated with the consumption of cannabis items, or marijuana or hashish.

C.2A:170-51.13 Provision of cannabis item to person under 21; violations, penalties.

6. a. A person who is not otherwise subject to the penalty provisions for a licensed cannabis establishment, distributor, or delivery service, or agent or employee thereof, for selling or otherwise providing a cannabis item to a person under 21 years of age as set forth in section 64 of P.L.2021, c.16 (C.2C:35-10d), shall not, either directly or indirectly by an agent or employee, sell, offer for sale, distribute for commercial purpose or otherwise at no cost or minimal cost or with coupons or rebate offers, give, or furnish, any cannabis item as defined in section 3 of P.L.2021, c.16 (C.24:6I-33) to a person under 21 years of age.

b. A person who violates the provisions of subsection a. of this section who actually sells or otherwise provides a cannabis item to a person under 21 years of age, shall be liable to a civil penalty of not less than \$250 for the first violation, not less than \$500 for the second violation, and shall be guilty of a petty disorderly persons offense for the third and each subsequent violation. The civil penalty shall be collected pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary proceeding before the municipal court having jurisdiction. An official authorized by the Cannabis Regulatory Commission established pursuant to section 31 of P.L.2019, c.153 (C.24:6I-24), or authorized by statute or ordinance to enforce the State

or local health codes or a law enforcement officer having enforcement authority in that municipality may issue a summons for a violation of the provisions of subsection a. of this section, and, with respect to a civil penalty, may serve and execute all process with respect to the enforcement of this section consistent with the Rules of Court. A civil penalty recovered under the provisions of this subsection shall be recovered by and in the name of the State by the local health agency. The penalty shall be paid into the treasury of the municipality in which the violation occurred for the general uses of the municipality.

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

(1) that the purchaser or the recipient of the cannabis item falsely represented, by producing a driver's license or non-driver identification card issued by the New Jersey Motor Vehicle Commission, a similar card issued pursuant to the laws of another state or the federal government of Canada, a photographic identification card issued by a county clerk, or other form of government-issued identification described in subparagraph (a) of paragraph (6) of subsection a. of section 18 of P.L.2021, c.16 (C.24:6I-35), that the purchaser or recipient was of legal age to make the purchase or receive the cannabis item;

(2) that the appearance of the purchaser or recipient was such that an ordinary prudent person would believe the purchaser or recipient to be of legal age to make the purchase or receive the cannabis item; and

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

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

C.26:3A2-20.2 Authority of Cannabis Regulatory Commission.

7. The Cannabis Regulatory Commission established pursuant to section 31 of P.L.2019, c.153 (C.24:6I-24) and the Commissioner of Health are authorized to coordinate and enforce the provisions of section 6 of P.L.2021, c.25 (C.2A:170-51.11) with respect to the prohibition on the sale or distribution of cannabis items, as defined in section 3 of P.L.2021, c.16 (C.24:6I-33), to persons under 21 years of age. The commission, or commissioner, or both, may delegate the enforcement authority provided in this section to local health agencies, subject to the availability of sufficient funding. The com-

mission, in consultation with the commissioner, shall report on the enforcement program's progress, results of enforcement efforts, and other matters the commission deems appropriate in the commission's annual report on personal use cannabis activities that is prepared pursuant to paragraph (3) of subsection a. of section 14 of P.L.2009, c.307 (C.24:6I-12).

Title amended.

8. The title of P.L.1995, c.304 is amended to read as follows:

AN ACT concerning penalties for the sale and distribution of certain regulated products to persons under the age of 21 years, amending N.J.S.2A:170-51 and P.L.1987, c.423, and supplementing chapter 170 of Title 2A of the New Jersey Statutes.

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

C.2A:170-51.1 Purchase of certain item for person under 21 years of age, petty disorderly persons offense.

3. A person 21 years of age or older who purchases a tobacco product or cannabis item as defined in section 3 of P.L.2021, c.16 (C.24:6I-33) for a person who is under 21 years of age is a petty disorderly person.

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

C.2C:33-13.1 Providing certain items to a person under 21 years of age, petty disorderly persons offense.

3. a. A person who sells or gives to a person under 21 years of age any cigarettes made of tobacco or of any other matter or substance which can be smoked, or any cigarette paper or tobacco in any form, including smokeless tobacco, or any electronic smoking device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, or pipe, or any cartridge or other component of the device or related product, or any cannabis item as defined in section 3 of P.L.2021, c.16 (C.24:6I-33), including an employee of a retail dealer licensee under P.L.1948, c.65 (C.54:40A-1 et seq.) or employee of a licensed cannabis establishment, cannabis distributor, or cannabis delivery service under P.L.2021, c.16 (C.24:6I-31 et al.), who actually sells or otherwise provides a tobacco product, electronic smoking device, or cannabis item to a person under 21 years of age, shall be punished by a fine as provided for a petty disorderly persons offense. A person who has been previously punished

under this section and who commits another offense under it may be punishable by a fine of twice that provided for a petty disorderly persons offense.

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

(1) that the purchaser or recipient of the tobacco product, electronic smoking device, or cannabis item falsely represented, by producing a driver's license or non-driver identification card issued by the New Jersey Motor Vehicle Commission, a similar card issued pursuant to the laws of another state or the federal government of Canada, a photographic identification card issued by a county clerk, or other form of government-issued identification described in subparagraph (a) of paragraph (6) of subsection a. of section 18 of P.L.2021, c.16 (C.24:6I-35), that the purchaser or recipient was of legal age to purchase or receive the tobacco product, electronic smoking device, or cannabis item;

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

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

c. A penalty imposed pursuant to this section shall be in addition to any penalty that may be imposed pursuant to section 1 of P.L.2000, c.87 (C.2A:170-51.4) concerning tobacco products or electronic smoking devices, or section 64 of P.L.2021, c.16 (C.2C:35-10d) or section 6 of P.L.2021, c.25 (C.2A:170-51.13) concerning cannabis items.

11. Section 46 of P.L.2021, c.16 (C.2C:35-10a) is amended to read as follows:

C.2C:35-10a Personal use of cannabis items.

46. Personal Use of Cannabis Items.

Notwithstanding any other provision of law, the following acts are not unlawful and shall not be an offense or a basis for seizure or forfeiture of assets under N.J.S.2C:64-1 et seq. or other applicable law for persons 21 years of age or older, provided the acts are consistent with the relevant definitions set forth in section 3 of P.L.2021, c.16 (C.24:6I-33), and when an act

involves a cannabis item, it was first obtained directly from a licensed cannabis retailer or delivered by a licensed cannabis delivery service making delivery of a purchase order fulfilled by that licensed cannabis retailer for off-premises delivery, evidenced by it being in its original packaging or by a sales slip, invoice, receipt, or other statement or memorandum:

a. Possessing, displaying, purchasing, or transporting: cannabis paraphernalia; one ounce (28.35 grams) or less of useable cannabis; the equivalent of one ounce (28.35 grams) or less of usable cannabis as a cannabis product in solid, liquid, or concentrate form, based upon an equivalency calculation for different product forms set by the Cannabis Regulatory Commission, established pursuant to section 31 of P.L.2019, c.153 (C.24:6I-24), in its regulations, and for which the commission may utilize research conducted in other states on the issue of product equivalency calculations when setting this equivalency; or 5 grams (0.176 ounce) or less of cannabis resin. Possessing, displaying, purchasing, or transporting at any one time any amount of any cannabis items described herein in an amount greater than as permitted pursuant to this subsection shall be considered a violation of the “Comprehensive Drug Reform Act of 1987,” P.L.1987, c.106 (N.J.S.2C:35-1 et al.), and subject the person to prosecution as if the person possessed, displayed, purchased, or transported marijuana or hashish in violation of that act;

b. Transferring without remuneration: one ounce (28.35 grams) or less of usable cannabis; the equivalent of one ounce (28.35 grams) or less of usable cannabis as a cannabis product in solid, liquid, or concentrate form, based upon the equivalency calculation for different product forms set by the commission pursuant to subsection a. of this section; or five grams (0.176 ounce) or less of cannabis resin to a person who is of legal age for purchasing cannabis items, provided that such transfer is for non-promotional, non-business purposes. Transferring at any one time any amount of any cannabis items described herein in an amount greater than as permitted pursuant to this subsection shall be considered a violation of the “Comprehensive Drug Reform Act of 1987,” P.L.1987, c.106 (N.J.S.2C:35-1 et al.), and subject the person to prosecution as if the person distributed marijuana or hashish in violation of that act. Transferring to a person who is not of legal age that was done by a cannabis establishment, distributor, or delivery service licensed pursuant to P.L.2021, c.16 (C.24:6I-31 et al.), or an employee or agent thereof, or by any other person, is subject to a civil penalty or other legal consequences as set forth in subsection b. of section 64 of P.L.2021, c.16 (C.2C:35-10d) or section 6 of P.L.2021, c.25 (C.2A:170-51.11), as applicable, and a fine as set forth in section 3 of P.L.1999, c.90 (C.2C:33-13.1);

c. Taking delivery of or consuming a lawfully possessed cannabis item, provided that nothing in this section shall permit a person to smoke, vape, or aerosolize any cannabis item in a public place. This prohibition includes the smoking, vaping, or aerosolizing of a cannabis item in any public place pursuant to law that prohibits the smoking of tobacco, including N.J.S.2C:33-13 and the “New Jersey Smoke-Free Air Act,” P.L.2005, c.383 (C.26:3D-55 et seq.), and any indoor public place, as that term is defined in section 3 of P.L.2005, c.383 (C.26:3D-57), or portion thereof, even if the smoking of tobacco is otherwise permitted in that place or portion thereof pursuant to the “New Jersey Smoke-Free Air Act”; except that the smoking, vaping, or aerosolizing of a cannabis item shall be permitted in a cannabis consumption area as set forth in section 28 of P.L.2019, c.153 (C.24:6I-21), and may be permitted by the person or entity that owns or controls a hotel, motel, or other lodging establishment as defined in section 1 of P.L.1967, c.95 (C.29:4-5) in up to 20 percent of its guest rooms. The smoking, vaping, or aerosolizing of a cannabis item may also be prohibited or otherwise regulated in multifamily housing that is a multiple dwelling as defined in section 3 of P.L.1967, c.76 (C.55:13A-3), as decided by the person or entity that owns or controls the multifamily housing, or prohibited or otherwise regulated in the structure or specific units of the structure of a cooperative as defined in section 3 of P.L.1987, c.381 (C.46:8D-3) by the corporation or other legal entity that owns the structure, or prohibited or otherwise regulated in the units of a condominium, as those terms are defined by section 3 of P.L.1969, c.257 (C.46:8B-3), if approved by the association for the condominium and a majority of all of the condominium’s unit owners, as those terms are defined in that section. Except as otherwise provided by P.L.2021, c.16 (C.24:6I-31 et al.), any penalties that may be assessed for the smoking of tobacco where prohibited under the “New Jersey Smoke-Free Air Act” shall be applicable to the smoking, vaping, or aerosolizing of cannabis items where prohibited. Concerning the consumption of any cannabis item, other than by smoking, vaping, or aerosolizing: a person or entity that owns or controls a property, other than multifamily housing that is a multiple dwelling as defined in section 3 of P.L.1967, c.76 (C.55:13A-3), the structure or specific units of the structure of a cooperative as defined in section 3 of P.L.1987, c.381 (C.46:8D-3), a unit of a condominium, as those terms are defined by section 3 of P.L.1969, c.257 (C.46:8B-3), or a site in a mobile home park as defined in section 3 of P.L.1983, c.386 (C.40:55D-102), which site is leased to the owner of a manufactured home, as defined in that section, that is installed thereon, may prohibit or otherwise regulate the consumption of cannabis items on or in that property, including a casino hotel facility as defined in

section 19 of P.L.1977, c.110 (C.5:12-19) with respect to a hotel property, a casino as defined in section 6 of P.L.1977, c.110 (C.5:12-6), or casino simulcasting facility authorized pursuant to the "Casino Simulcasting Act," P.L.1992, c.19 (C.5:12-191 et al.); and

d. Assisting another person to engage in any of the acts described in subsections a. through c. of this section, provided that the person being assisted is of legal age to purchase cannabis items and the assistance being provided is without remuneration.

12. Section 64 of P.L.2021, c.16 (C.2C:35-10d) is amended to read as follows:

C.2C:35-10d Prohibition of persons under the legal age purchasing cannabis or cannabis resin.

64. Prohibition of Persons Under the Legal Age Purchasing Cannabis or Cannabis Resin.

Consistent with the relevant definitions set forth in section 3 of P.L.2021, c.16 (C.24:6I-33):

a. A cannabis establishment licensee, cannabis distributor licensee, or cannabis delivery service licensee, either directly or indirectly by an agent or employee, shall not sell, offer for sale, distribute for commercial purpose at no cost or minimal cost, or give or furnish for consumption, any cannabis items to a person under 21 years of age.

b. Any licensee or employee or agent of a licensee who violates subsection a. of this section who sells or otherwise provides a person under 21 years of age cannabis items which, pursuant to section 46 of P.L.2021, c.16 (C.2C:35-10a) are lawful for persons 21 years of age or older to procure for personal use, shall be subject to a civil penalty of not less than \$250 for the first violation; \$500 for the second violation; and shall be guilty of a petty disorderly persons offense for the third and each subsequent violation; a civil penalty imposed pursuant to this subsection shall be in addition to any penalty that may be imposed pursuant to section 3 of P.L.1999, c.90 (C.2C:33-13.1). Subject to a hearing, a licensee's license may also be revoked, suspended, or otherwise limited. The civil penalties provided for in this subsection shall be recovered by a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

c. The establishment of all of the following facts by a licensee, employee, or agent, allowing any such person under 21 years of age to procure cannabis items shall constitute a defense to any violation of the provisions of subsection a. of this section:

(1) That the purchaser or recipient of the cannabis item falsely represented that the purchaser or recipient was of legal age to make the purchase or receive the cannabis item, by producing a driver's license or non-driver identification card issued by the New Jersey Motor Vehicle Commission, a similar card issued pursuant to the laws of another state or the federal government of Canada, a photographic identification card issued by a county clerk, or other form of government-issued identification described in subparagraph (a) of paragraph (6) of subsection a. of section 18 of P.L.2021, c.16 (C.24:6I-35), to determine the consumer's identity and age;

(2) That the appearance of the purchaser or recipient was such that an ordinary prudent person would believe the purchaser or recipient to be of legal age to purchase or receive the cannabis item; and

(3) That the sale or distribution was made in good faith, relying upon the production of the identification set forth in paragraph (1) of this subsection, the appearance of the purchaser or recipient, and in the reasonable belief that the purchaser or recipient was actually of legal age to make the purchase or receive the cannabis item.

d. A person under 21 years of age shall not purchase, acquire, or attempt to purchase or acquire a cannabis item, even if the cannabis item may be legally purchased by persons at or above the legal age for purchasing cannabis items.

For purposes of this subsection, purchasing a cannabis item includes accepting a cannabis item, and acquiring a cannabis item includes consuming a cannabis item.

e. A person under 21 years of age shall not present or offer to a cannabis establishment, distributor, or delivery service, or the cannabis establishment's, distributor's, or delivery service's agent or employee, any written or oral evidence of age or other personal identifying information that is false, fraudulent, or not actually the person's own, including the use of a driver's license or other government-issued form of identification in violation of section 1 of P.L.1983, c.565 (C.2C:21-2.1), N.J.S.2C:21-17, section 5 of P.L.2003, c.184 (C.2C:21-17.2), or section 6 of P.L.1968, c.313 (C.33:1-81.7), for the purpose of:

(1) Purchasing, attempting to purchase, or otherwise procuring or attempting to procure cannabis items; or

(2) Gaining access to a cannabis establishment's, distributor's, or delivery service's premises.

f. Except as permitted by the commission by rule or regulation, or as necessary on an emergency basis, a person under legal age for purchasing cannabis items may not enter or attempt to enter any portion of a licensed premises that is posted or otherwise identified as being prohibited to the use

of persons under legal age for purchasing cannabis items, unless accompanied by and supervised by a parent or legal guardian.

g. (Deleted by amendment, P.L.2021, c.25)

h. The prohibitions of this section do not apply to a person under the legal age for purchasing cannabis items who is acting under the direction of the commission or under the direction of State or local law enforcement agencies for the purpose of investigating possible violations of the laws prohibiting the sale of cannabis items to persons who are under the legal age for purchasing cannabis items.

i. The prohibitions of this section do not apply to a person under the legal age for purchasing cannabis items who is acting under the direction of a licensee for the purpose of investigating possible violations by employees of the licensee of laws prohibiting sales of cannabis items to persons who are under the legal age for purchasing cannabis items.

13. Section 1 of P.L.1983, c.565 (C.2C:21-2.1) is amended to read as follows:

C.2C:21-2.1 Offenses involving false government documents.

1. a. A person who knowingly sells, offers or exposes for sale, or otherwise transfers, or possesses with the intent to sell, offer or expose for sale, or otherwise transfer, a document, printed form or other writing which falsely purports to be a driver's license, birth certificate or other document issued by a governmental agency and which could be used as a means of verifying a person's identity or age or any other personal identifying information is guilty of a crime of the second degree.

b. A person who knowingly makes, or possesses devices or materials to make, a document or other writing which falsely purports to be a driver's license, birth certificate or other document issued by a governmental agency and which could be used as a means of verifying a person's identity or age or any other personal identifying information is guilty of a crime of the second degree.

c. A person who knowingly exhibits, displays or utters a document or other writing which falsely purports to be a driver's license, birth certificate or other document issued by a governmental agency and which could be used as a means of verifying a person's identity or age or any other personal identifying information is guilty of a crime of the third degree. A violation of N.J.S.2C:28-7, constituting a disorderly persons offense, section 1 of P.L.1979, c.264 (C.2C:33-15), section 64 of P.L.2021, c.16 (C.2C:35-10d), R.S.33:1-81 or section 6 of P.L.1968, c.313 (C.33:1-81.7) in a case where the

person uses the personal identifying information of another to illegally purchase an alcoholic beverage or for using the personal identifying information of another to misrepresent the person's age for the purpose of obtaining tobacco, cannabis item, or other consumer product denied to persons under 21 years of age shall not constitute an offense under this subsection if the actor received only that benefit or service and did not perpetrate or attempt to perpetrate any additional injury or fraud on another.

d. A person who knowingly possesses a document or other writing which falsely purports to be a driver's license, birth certificate or other document issued by a governmental agency and which could be used as a means of verifying a person's identity or age or any other personal identifying information is guilty of a crime of the fourth degree. A violation of N.J.S.2C:28-7, constituting a disorderly persons offense, section 1 of P.L.1979, c.264 (C.2C:33-15), section 64 of P.L.2021, c.16 (C.2C:35-10d), R.S.33:1-81 or section 6 of P.L.1968, c.313 (C.33:1-81.7) in a case where the person uses the personal identifying information of another to illegally purchase an alcoholic beverage or for using the personal identifying information of another to misrepresent his age for the purpose of obtaining tobacco, any cannabis item, or other consumer product denied to persons under 21 years of age shall not constitute an offense under this subsection if the actor received only that benefit or service and did not perpetrate or attempt to perpetrate any additional injury or fraud on another.

e. In addition to any other disposition authorized by this Title, the provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), or any other statute indicating the dispositions that may be ordered for an adjudication of delinquency, and, notwithstanding the provisions of subsection c. of N.J.S.2C:43-2, every person convicted of, or adjudicated delinquent or penalized for a violation of any offense defined in this section shall forthwith forfeit his right to operate a motor vehicle over the highways of this State for a period to be fixed by the court at not less than six months or more than two years which shall commence on the day the sentence is imposed. In the case of any person who at the time of the imposition of the sentence is less than 17 years of age, the period of the suspension of driving privileges authorized herein, including a suspension of the privilege of operating a motorized bicycle, shall commence on the day the sentence is imposed and shall run for a period as fixed by the court of not less than six months or more than two years after the day the person reaches the age of 17 years. If the driving privilege of any person is under revocation, suspension, or postponement for a violation of any provision of this Title or Title 39 of the Revised Statutes at the time of any conviction or adjudication of delinquency for a violation of any offense defined

in this chapter or chapter 36 of this Title, the revocation, suspension, or postponement period imposed herein shall commence as of the date of termination of the existing revocation, suspension or postponement.

The court before whom any person is convicted of, or adjudicated delinquent or penalized for a violation of any offense defined in this section shall collect forthwith the New Jersey driver's license or licenses of that person and forward the license or licenses to the Chief Administrator of the New Jersey Motor Vehicle Commission along with a report indicating the first and last day of the suspension or postponement period imposed by the court pursuant to this section. If the court is for any reason unable to collect the license or licenses of the person, the court shall cause a report of the conviction or adjudication of delinquency to be filed with the director. The report shall include the complete name, address, date of birth, eye color and sex of the person and shall indicate the first and last day of the suspension or postponement period imposed by the court pursuant to this section. The court shall inform the person orally and in writing that if the person is convicted of personally operating a motor vehicle during the period of license suspension or postponement imposed pursuant to this section, the person shall, upon conviction, be subject to the penalties set forth in R.S.39:3-40. A person shall be required to acknowledge receipt of the written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of a written notice shall not be a defense to a subsequent charge of a violation of R.S.39:3-40. If the person is the holder of a driver's license from another jurisdiction, the court shall not collect the license, but shall notify forthwith the director who shall notify the appropriate officials in that licensing jurisdiction. The court shall, however, in accordance with the provisions of this section, revoke the person's non-resident driving privileges in this State.

In addition to any other condition imposed, a court, in its discretion, may suspend, revoke or postpone the driving privileges of a person admitted to supervisory treatment under N.J.S.2C:36A-1 or N.J.S.2C:43-12 without a plea of guilty or finding of guilt.

14. N.J.S.2C:21-17 is amended to read as follows:

Impersonation; theft of identity; crime.

2C:21-17. Impersonation; Theft of identity; crime.

a. A person is guilty of a crime if the person engages in one or more of the following actions by any means including, but not limited to, the use of electronic communications or an Internet website:

(1) Impersonates another or assumes a false identity and does an act in such assumed character or false identity for the purpose of obtaining a benefit for himself or another or to injure or defraud another;

(2) Pretends to be a representative of some person or organization and does an act in such pretended capacity for the purpose of obtaining a benefit for himself or another or to injure or defraud another;

(3) Impersonates another, assumes a false identity or makes a false or misleading statement regarding the identity of any person, in an oral or written application for services, for the purpose of obtaining services;

(4) Obtains any personal identifying information pertaining to another person and uses that information, or assists another person in using the information, in order to assume the identity of or represent himself as another person, without that person's authorization and with the purpose to fraudulently obtain or attempt to obtain a benefit or services, or avoid the payment of debt or other legal obligation or avoid prosecution for a crime by using the name of the other person; or

(5) Impersonates another, assumes a false identity or makes a false or misleading statement, in the course of making an oral or written application for services, with the purpose of avoiding payment for prior services. Purpose to avoid payment for prior services may be presumed upon proof that the person has not made full payment for prior services and has impersonated another, assumed a false identity or made a false or misleading statement regarding the identity of any person in the course of making oral or written application for services.

As used in this section:

"Benefit" means, but is not limited to, any property, any pecuniary amount, any services, any pecuniary amount sought to be avoided or any injury or harm perpetrated on another where there is no pecuniary value.

b. (Deleted by amendment, P.L.2005, c.224).

c. A person who violates subsection a. of this section is guilty of a crime as follows:

(1) If the actor obtains a benefit or deprives another of a benefit in an amount less than \$500 and the offense involves the identity of one victim, the actor shall be guilty of a crime of the fourth degree except that a second or subsequent conviction for such an offense constitutes a crime of the third degree; or

(2) If the actor obtains a benefit or deprives another of a benefit in an amount of at least \$500 but less than \$75,000, or the offense involves the identity of at least two but less than five victims, the actor shall be guilty of a crime of the third degree; or

(3) If the actor obtains a benefit or deprives another of a benefit in the amount of \$75,000 or more, or the offense involves the identity of five or more victims, the actor shall be guilty of a crime of the second degree.

d. A violation of N.J.S.2C:28-7, constituting a disorderly persons offense, section 1 of P.L.1979, c.264 (C.2C:33-15), section 64 of P.L.2021, c.16 (C.2C:35-10d), R.S.33:1-81 or section 6 of P.L.1968, c.313 (C.33:1-81.7) in a case where the person uses the personal identifying information of another to illegally purchase an alcoholic beverage or for using the personal identifying information of another to misrepresent the person's age for the purpose of obtaining tobacco, any cannabis item, or other consumer product denied to persons under 21 years of age shall not constitute an offense under this section if the actor received only that benefit or service and did not perpetrate or attempt to perpetrate any additional injury or fraud on another.

e. The sentencing court shall issue such orders as are necessary to correct any public record or government document that contains false information as a result of a theft of identity. The sentencing court may provide restitution to the victim in accordance with the provisions of section 4 of P.L.2002, c.85 (C.2C:21-17.1).

15. Section 5 of P.L.2003, c.184 (C.2C:21-17.2) is amended to read as follows:

C.2C:21-17.2 Use of personal identifying information of another; certain; degree of crime.

5. a. A person is guilty of a crime of the second degree if, in obtaining or attempting to obtain a driver's license, birth certificate or other document issued by a governmental agency which could be used as a means of verifying a person's identity, age or any other personal identifying information, that person knowingly exhibits, displays or utters a document or other writing which falsely purports to be a driver's license, birth certificate or other document issued by a governmental agency or which belongs or pertains to a person other than the person who possesses the document.

b. Notwithstanding the provisions of N.J.S.2C:1-8 or any other law, a conviction under this section shall not merge with a conviction of any other criminal offense, nor shall such other conviction merge with a conviction under this section, and the court shall impose separate sentences upon each violation of this section and any other criminal offense.

c. A violation of N.J.S.2C:28-7, constituting a disorderly persons offense, section 1 of P.L.1979, c.264 (C.2C:33-15), section 64 of P.L.2021, c.16 (C.2C:35-10d), R.S.33:1-81 or section 6 of P.L.1968, c.313 (C.33:1-81.7) in

a case where the person uses the personal identifying information of another to illegally purchase an alcoholic beverage or for using the personal identifying information of another to misrepresent his age for the purpose of obtaining tobacco, any cannabis item, or other consumer product denied to persons under 21 years of age shall not constitute an offense under this section if the actor received only that benefit or service and did not perpetrate or attempt to perpetrate any additional injury or fraud on another.

16. R.S.40:48-1 is amended to read as follows:

Ordinances; general purpose.

40:48-1. Ordinances; general purpose. The governing body of every municipality may make, amend, repeal and enforce ordinances to:

Finances and property. 1. Manage, regulate and control the finances and property, real and personal, of the municipality;

Contracts and contractor's bonds. 2. Prescribe the form and manner of execution and approval of all contracts to be executed by the municipality and of all bonds to be given to it;

Officers and employees; duties, terms and salaries. 3. Prescribe and define, except as otherwise provided by law, the duties and terms of office or employment, of all officers and employees; and to provide for the employment and compensation of such officials and employees, in addition to those provided for by statute, as may be deemed necessary for the efficient conduct of the affairs of the municipality;

Fees. 4. Fix the fees of any officer or employee of the municipality for any service rendered in connection with his office or position, for which no specific fee or compensation is provided. In the case of salaried officers or employees, such fee shall be paid into the municipal treasury;

Salaries instead of fees; disposition of fees. 5. Provide that any officer or employee receiving compensation for his services, in whole or in part by fees, whether paid by the municipality or otherwise, shall be paid a salary to be fixed in the ordinance, and thereafter all fees received by such officer or employee shall be paid into the municipal treasury;

Maintain order. 6. Prevent vice, drunkenness and immorality; to preserve the public peace and order; to prevent and quell riots, disturbances and disorderly assemblages;

Punish beggars; prevention of loitering. 7. Restrain and punish drunkards, vagrants, mendicants and street beggars; to prevent loitering, lounging or sleeping in the streets, parks or public places;

Auctions and noises. 8. Regulate the ringing of bells and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises;

Swimming; bathing costume; prohibition of public nudity. 9. Regulate or prohibit swimming or bathing in the waters of, in, or bounding the municipality, and to regulate or prohibit persons from appearing upon the public streets, parks and places clad in bathing costumes or robes, or costumes of a similar character; regulate or prohibit persons from appearing in a state of nudity upon all lands within its borders which are under the jurisdiction of the State including, without limitation, all lands owned by, controlled by, managed by or leased by the State;

Prohibit annoyance of persons or animals. 10. Regulate or prohibit any practice tending to frighten animals, or to annoy or injure persons in the public streets;

Animals; pounds; establishment and regulation. 11. Establish and regulate one or more pounds, and to prohibit or regulate the running at large of horses, cattle, dogs, swine, goats and other animals, and to authorize their impounding and sale for the penalty incurred, and the costs of impounding, keeping and sale; to regulate or prohibit the keeping of cattle, goats or swine in any part of the municipality; to authorize the destruction of dogs running at large therein;

Hucksters. 12. Prescribe and regulate the place of vending or exposing for sale articles of merchandise from vehicles;

Building regulations; wooden structures. 13. Regulate and control the construction, erection, alteration and repair of buildings and structures of every kind within the municipality; and to prohibit, within certain limits, the construction, erection or alteration of buildings or structures of wood or other combustible material;

Inflammable materials; inspect docks and buildings. 14. Regulate the use, storage, sale and disposal of inflammable or combustible materials, and to provide for the protection of life and property from fire, explosions and other dangers; to provide for inspections of buildings, docks, wharves, warehouses and other places, and of goods and materials contained therein, to secure the proper enforcement of such ordinance;

Dangerous structures; removal or destruction; procedure. 15. Provide for the removal or destruction of any building, wall or structure which is or may become dangerous to life or health, or might tend to extend a conflagration; and to assess the cost thereof as a municipal lien against the premises;

Chimneys and boilers. 16. Regulate the construction and setting up of chimneys, furnaces, stoves, boilers, ovens and other contrivances in which fire is used;

Explosives. 17. Regulate, in conformity with the statutes of this State, the manufacture, storage, sale, keeping or conveying of gunpowder, nitro-glycerine, dynamite and other explosives;

Firearms and fireworks. 18. Regulate and prohibit the sale and use of guns, pistols, firearms, and fireworks of all descriptions;

Soft coal. 19. Regulate the use of soft coal in locomotives, factories, power houses and other places;

Theaters, schools, churches and public places. 20. Regulate the use of theaters, cinema houses, public halls, schools, churches, and other places where numbers of people assemble, and the exits therefrom, so that escape therefrom may be easily and safely made in case of fire or panic; and to regulate any machinery, scenery, lights, wires and other apparatus, equipment or appliances used in all places of public amusement;

Excavations. 21. Regulate excavations below the established grade or curb line of any street, not greater than eight feet, which the owner of any land may make, in the erection of any building upon his own property; and to provide for the giving of notice, in writing, of such intended excavation to any adjoining owner or owners, and that they will be required to protect and care for their several foundation walls that may be endangered by such excavation; and to provide that in case of the neglect or refusal, for 10 days, of such adjoining owner or owners to take proper action to secure and protect the foundations of any adjacent building or other structure, that the party or parties giving such notice, or their agents, contractors or employees, may enter into and upon such adjoining property and do all necessary work to make such foundations secure, and may recover the cost of such work and labor in so protecting such adjacent property; and to make such further and other provisions in relation to the proper conduct and performance of said work as the governing body or board of the municipality may deem necessary and proper;

Sample medicines. 22. Regulate and prohibit the distribution, depositing or leaving on the public streets or highways, public places or private property, or at any private place or places within any such municipality, any medicine, medicinal preparation or preparations represented to cure ailments or diseases of the body or mind, or any samples thereof, or any advertisements or circulars relating thereto, but no ordinance shall prohibit a delivery of any such article to any person above the age of 12 years willing to receive the same;

Boating. 23. Regulate the use of motor and other boats upon waters within or bounding the municipality;

Fire escapes. 24. Provide for the erection of fire escapes on buildings in the municipality, and to provide rules and regulations concerning the construction and maintenance of the same, and for the prevention of any obstruction thereof or thereon;

Care of injured employees. 25. Provide for the payment of compensation and for medical attendance to any officer or employee of the municipality injured in the performance of his duty;

Bulkheads and other structures. 26. Fix and determine the lines of bulkheads or other works or structures to be erected, constructed or maintained by the owners of lands facing upon any navigable water in front of their lands, and in front of or along any highway or public lands of said municipality, and to designate the materials to be used, and the type, height and dimensions thereof;

Lifeguard. 27. Establish, maintain, regulate and control a lifeguard upon any beach within or bordering on the municipality;

Appropriation for life-saving apparatus. 28. Appropriate moneys to safeguard people from drowning within its borders, by location of apparatus or conduct of educational work in harmony with the plans of the United States volunteer life-saving corps in this State;

Fences. 29. Regulate the size, height and dimensions of any fences between the lands of adjoining owners, whether built or erected as division or partition fences between such lands, and whether the same exist or be erected entirely or only partly upon the lands of any such adjoining owners, or along or immediately adjacent to any division or partition line of such lands. To provide, in such ordinance, the manner of securing, fastening or shoring such fences, and for surveying the land when required by statute, and to prohibit in any such ordinance the use at a height of under 10 feet from the ground, of any device, such as wire or cable, that would be dangerous to pedestrians, equestrians, bicyclists, or drivers of off-the-road vehicles, unless that device is clearly visible to pedestrians, equestrians, bicyclists or drivers of off-the-road vehicles. In the case of fences thereafter erected contrary to the provisions thereof, the governing body may provide for a penalty for the violation of such ordinance, and in the case of such fence or fences erected or existing at the time of the passage of any such ordinance, may provide therein for the removal, change or alteration thereof, so as to make such fence or fences comply with the provisions of any such ordinance;

Advertise municipality. 30. Appropriate funds for advertising the advantages of the municipality;

Government Energy Aggregation Programs. 31. Establish programs and procedures pursuant to which the municipality may act as a government aggregator pursuant to sections 40 through 43 of P.L.1999, c.23 (C.48:3-89

through C.48:3-92), section 45 of P.L.1999, c.23 (C.48:3-94), and sections 1, 2 and 6 of P.L.2003, c.24 (C.48:3-93.1 through C.48:3-93.3). Notwithstanding the provisions of any other law, rule or regulation to the contrary, a municipality acting as a government aggregator pursuant to P.L.1999, c.23 (C.48:3-49 et al.) shall not be deemed to be a public utility pursuant to R.S.40:62-24 or R.S.48:1-1 et seq. or be deemed to be operating any form of public utility service pursuant to R.S.40:62-1 et seq., to the extent such municipality is solely engaged in the provision of such aggregation service and not otherwise owning or operating any plant or facility for the production or distribution of gas, electricity, steam or other product as provided in R.S.40:62-12;

Joint municipal action on consent for the provision of cable television service. 32. Establish programs and procedures pursuant to which a municipality may act together with one or more municipalities in granting municipal consent for the provision of cable television service pursuant to the provisions of the "Cable Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.) as amended and supplemented. Notwithstanding the provisions of any other law, rule or regulation to the contrary, two or more municipalities acting jointly pursuant to the provisions of P.L.1972, c.186 (C.48:5A-1 et seq.) shall not be deemed a public utility pursuant to R.S.48:1-1 et seq., to the extent those municipalities are solely engaged in granting municipal consent jointly and are not otherwise owning or operating any facility for the provision of cable television service as provided in P.L.1972, c.186 (C.48:5A-1 et seq.);

Private cable television service aggregation programs. 33. Establish programs and procedures pursuant to which a municipality may employ the services of a private aggregator for the purpose of facilitating the joint action of two or more municipalities in granting municipal consent for the provision of cable television service provided that any such municipality shall adhere to the provisions of the "Cable Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.) as amended and supplemented, and to the provisions of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.) as amended and supplemented. Notwithstanding the provisions of any other law, rule or regulation to the contrary, a municipality that employs the services of a private aggregator pursuant to the provisions of P.L.1972, c.186 (C.48:5A-1 et seq.) shall not be deemed a public utility pursuant to R.S.48:1-1 et seq., to the extent that the municipality is solely engaged in employing the services of a private aggregator for the purpose of facilitating the joint action of two or more municipalities in granting municipal consent and is not otherwise owning or operating any facility for the provision of cable television service as provided in P.L.1972, c.186 (C.48:5A-1 et seq.);

Protective Custody. 34. Provide protective custody to persons arrested for operating a motor vehicle under the influence of alcoholic beverages, cannabis items as defined in section 3 of P.L.2021, c.16 (C.24:6I-33), any chemical substance, or any controlled dangerous substance in violation of R.S.39:4-50 as provided in section 1 of P.L.2003, c.164 (C.40:48-1.3);

Private Outdoor Video Surveillance Camera Registry. 35. Establish a private outdoor video surveillance camera registry and allow voluntary registration of private outdoor video surveillance cameras as provided in P.L.2015, c.142 (C.40:48-1.6 et al.).

C.52:17B-77.17 Adoption of course by Police Training Commission.

17. a. (1) The Police Training Commission in the Department of Law and Public Safety shall adopt a training course regarding law enforcement interactions with persons under the lawful age to purchase alcoholic beverages or cannabis items based upon the legalization of a personal use cannabis marketplace pursuant to the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act," P.L.2021, c.16 (C.24:6I-31 et al.), the decriminalization of marijuana and hashish pursuant to P.L.2021, c.19 (C.2C:35-23.1 et al.), and the enforcement of violations of applicable statutes associated with the underage possession or consumption of alcoholic beverages, marijuana, hashish, or cannabis items pursuant to those enactments and the companion enactment, P.L.2021, c.25 (C.2C:30-6.1 et al.), and which includes the recognition of and methods to address and avoid racial disparities and implicit bias, and means for interacting with vulnerable juvenile populations. The training course shall be administered by the employing agency as part of the in-service training provided to each local police officer in each law enforcement unit operating in this State.

(2) Prior to being appointed to permanent status as a local police officer in a law enforcement unit, an individual shall be required to complete the training course adopted under paragraph (1) of this subsection. Every local police officer appointed prior to the effective date of this section shall, within 18 months of that effective date, satisfactorily complete a training course on law enforcement interactions as described in paragraph (1) of this subsection.

(3) The Police Training Commission shall adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of this subsection.

b. Within 45 days of the effective date of P.L.2021, c.25 (C.2C:30-6.1 et al.), the Attorney General shall prepare a notice explaining the provisions of the enactments set forth in paragraph (1) of subsection a. of this section pertaining to persons under the lawful age to purchase alcoholic beverages

or cannabis items and the violations of applicable statutes associated with the underage possession or consumption of alcoholic beverages, marijuana, hashish, or cannabis items, and transmit the notice to the chief or director of every municipal police department, every municipal prosecutor, every county prosecutor, and the Superintendent of the New Jersey State Police. The notice shall be disseminated to every law enforcement officer and shall be re-enforced at roll calls and academy service training and continuing education programs so as to ensure that all officers and prosecutors are educated of their responsibilities under the relevant enactments.

Repealer.

18. The following are repealed:

Section 1 of P.L.2000, c.33 (C.40:48-1.2);

Section 2 of P.L.2009, c.133 (C.40:48-1.2a); and

Section 77 of P.L.2021, c.16 (C.40:48-1.2b).

19. This act shall take effect immediately.

Approved February 22, 2021.

CHAPTER 26

AN ACT concerning financial aid for county college students and supplementing chapter 71B of Title 18A of the New Jersey Statutes.

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

C.18A:71B-111 Definitions relative to financial aid for county college students.

1. As used in this act:

“Annual adjusted gross income” means:

a. for a dependent student, the annual adjusted gross income of the student’s parent or legal guardian, as reported on the student’s Free Application for Federal Student Aid or other financial aid form; and

b. for an independent student, the annual adjusted gross income of the student and, if applicable, the spouse of the student, as reported on the student’s Free Application for Federal Student Aid or other financial aid form.

“Approved educational fees” means general education fees, registration fees, facility fees, technology fees, laboratory fees, student service and activ-

ity fees, and program and course fees, including fees associated with coursework in nursing, culinary, and other career and technical education programs as determined by the Higher Education Student Assistance Authority in consultation with the Office of the Secretary of Higher Education, subject to the limit of funds appropriated or otherwise made available for the program.

“Authority” means the Higher Education Student Assistance Authority established pursuant to N.J.S.18A:71A-3.

“Out-of-county college” means a county college that is outside of a student’s county of residence.

“Program” means the Community College Opportunity Grant Program created pursuant to section 2 of this act.

“Three plus one degree program” means a baccalaureate degree program created pursuant to section 1 of P.L.2018, c.144 (C.18A:3B-78).

C.18A:71B-112 Community College Opportunity Grant Program.

2. There is hereby created the Community College Opportunity Grant Program. The purpose of the program shall be to provide financial aid grants to eligible county college students, to cover the costs of tuition and approved educational fees that are not already covered by any other State, federal, and institutional need-based grants or merit scholarships and to provide county colleges with Student Success Incentive funding for outreach and student success initiatives. The financial aid grants distributed to eligible students under the program shall be administered by the Higher Education Student Assistance Authority, while the Student Success Incentive funding distributed to county colleges under the program shall be administered by the Office of the Secretary of Higher Education.

C.18A:71B-113 Eligibility for financial aid grant.

3. a. To be eligible to receive a financial aid grant under the Community College Opportunity Grant Program, a student shall:

(1) be a legal resident of the State in accordance with the provisions of N.J.S.18A:71B-2 or be eligible for student financial aid pursuant to P.L.2018, c.12 (C.18A:71B-2.1);

(2) be enrolled in at least six credits at a county college established pursuant to chapter 64A of Title 18A of the New Jersey Statutes;

(3) (a) be enrolled at the county college that serves the student’s county of residence; or

(b) be enrolled at an out-of-county college, in which case the student, if otherwise eligible, shall receive a grant under the program to cover the remaining costs of tuition and approved educational fees, charged at the in-

district rate for the county college at which the student is enrolled, provided that the amount of a grant provided to a student under this subparagraph does not exceed the amount of tuition and approved educational fees actually charged to the student;

(4) not have an annual adjusted gross income that is negative;

(5) have an annual adjusted gross income between \$0 and \$65,000, except that the authority, in consultation with the Office of the Secretary of Higher Education and the New Jersey Council of County Colleges, may annually establish maximum annual adjusted gross income eligibility limits of no less than \$65,000;

(6) have applied for all other available forms of State, federal, and institutional need-based grants and merit scholarships and, in accordance with annually established deadline dates, have completed and submitted a Free Application for Federal Student Aid, other financial aid form, or, as applicable, a State financial aid form as required by the authority pursuant to subsection b. of section 1 of P.L.2018, c.12 (C.18A:71B-2.1);

(7) not owe a refund on a grant or scholarship previously received from a State or federal program through any institution or be in default on any loan made under any State or federal student loan program at any institution, unless the student makes arrangements with the authority to repay the debt; and

(8) be in good academic standing and meet the minimum standards for academic performance and satisfactory academic progress as defined by the county college which the student is attending.

A county college shall not impose additional eligibility requirements for the program, other than the requirements set forth in this subsection.

b. A grant under the program may be renewed for a student who:

(1) annually completes and submits a Free Application for Federal Student Aid, other financial aid form, or, as applicable, a State financial aid form as required by the authority pursuant to subsection b. of section 1 of P.L.2018, c.12 (C.18A:71B-2.1);

(2) meets the standards for academic performance and satisfactory academic progress, as defined by the county college which the student is attending, to determine eligibility for federal student aid programs under Title IV of the Higher Education Act of 1965 or, in the semester immediately prior to receiving an award, attains a minimum level of academic success as determined by the authority; and

(3) maintains all eligibility requirements established pursuant to subsection a. of this section.

c. (1) A student shall be eligible for a grant under the program for up to five semesters, unless the student is enrolled in a program regularly requiring

at least six semesters for completion, in which case the authority shall permit up to six semesters of eligibility.

(2) A student enrolled in a three plus one degree program shall be eligible for a grant under the program for up to six semesters.

(3) Semesters for which a student is enrolled in at least six credits but less than 12 credits shall be counted as one-half of a full-time semester.

d. A student may be eligible for a grant under the program during a fall or spring semester in an academic year.

e. If a student, the student's family, or a county college deems that the authority made an unfair determination of eligibility, an appeal may be filed with the authority within 60 days of initial notification of eligibility or ineligibility.

f. The county college which a student attends shall notify the student of the student's eligibility for the program and the amount of the grant.

C.18A:71B-114 Amount of grant distributed.

4. a. A grant distributed to an eligible student under the Community College Opportunity Grant Program shall cover the remaining cost of tuition and approved educational fees, which is not covered by State, federal, or any other need-based grant or merit scholarship, for up to 18 credits in any semester. The full amount of State, federal, and institutional need-based grant or merit scholarships received by an eligible student shall be applied to the amount of tuition and approved educational fees charged to an eligible student. The remaining balance of tuition and approved educational fees shall be covered by a grant under the program.

b. A full award under the program to a student at a county college shall be equal to the student's full cost of approved tuition and approved educational fees, subject to the prior application of all other State, federal, and institutional need-based grants and merit scholarships against those costs, for up to 18 credits in any semester, for an eligible student for a full-time semester in an associate's degree, certificate, or three plus one degree program. For an eligible student enrolled in at least six credits but less than 12 credits in an associate's degree, certificate, or three plus one degree program, a grant under the program shall be pro-rated from the full-time approved tuition and approved educational fees based on the number of credits for which that student is enrolled.

c. The authority shall, for each county college, annually establish a maximum individual grant amount awarded under the program. The maximum individual grant amount for each county college shall not increase by more than three percent over the prior year.

C.18A:71B-115 Annual appropriation.

5. a. The Legislature shall annually appropriate to the Office of the Secretary of Higher Education such funds as may be necessary for Student Success Incentive funding to provide capacity-building grants to each county college to support the goals of the Community College Opportunity Grant Program. The Secretary of Higher Education shall distribute funding made available pursuant to this section to county colleges for outreach, recruitment, and promoting the success of county college students. The secretary shall establish the purposes for which a county college may use a grant received pursuant to this section, which shall include, but not be limited to:

- (1) establishing mentorship programs;
- (2) hosting events to assist students and families in completing financial aid applications; and
- (3) addressing students' material hardships, such as lack of access to food, medical care, housing, child care, and transportation.

b. The secretary shall distribute the funding made available pursuant to this section. The secretary may retain up to five percent of the funding for grant administration activities designed to increase the effectiveness of the program. Fifty percent of the remaining appropriation shall be distributed equally among all of the county colleges, while the other fifty percent of the remaining appropriation shall be distributed based on the total number of students at each county college who received awards under the program during the previous academic year.

C.18A:71B-116 Rules, regulations.

6. The authority shall adopt in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations as may be necessary to implement the provisions of sections 1 through 4 of this act. The Office of the Secretary of Higher Education shall adopt in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations as may be necessary to implement the provisions of section 5 of this act.

7. This act shall take effect immediately and shall first apply to the first full academic year following the date of enactment.

Approved February 26, 2021.

CHAPTER 27

AN ACT concerning postsecondary education, amending various parts of the statutory law, and supplementing Title 18A of the New Jersey Statutes and P.L.1989, c.293 (C.34:15C-1 et seq.).

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

1. Section 8 of P.L.1994, c.48 (C.18A:3B-8) is amended to read as follows:

C.18A:3B-8 Responsibilities of council.

8. The council shall have the responsibility, consistent with State and federal law, to:

- a. provide public information and research on higher education issues;
- b. review and make recommendations to the Secretary of Higher Education concerning proposals for new programs that exceed the programmatic mission of an institution or that change the programmatic mission of an institution;

- c. review proposals for new programs that do not exceed the programmatic mission of the institution or require a change in the programmatic mission, according to standards established by the secretary through regulations promulgated pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), for the following:

- (1) sufficient academic quality;
- (2) sufficient evidence of labor market demand for the program;
- (3) duplication with comparable programs of study in the State; and
- (4) whether the proposed new program will require significant additional State resources.

If the council determines according to the review standards set by the secretary that a proposed new program may be of insufficient academic quality, may lack sufficient evidence of labor market demand, may be duplicative of comparable programs of study, or may be unduly expensive to the State, the council shall refer that proposal to the secretary for review pursuant to subsection f. of section 14 of P.L.1994, c.48 (C.18A:3B-14);

- d. encourage the formation of regional or other alliances among institutions including interinstitutional transfers, program articulation, cooperative programs and shared resources and develop criteria for "full faith and credit" transfer agreements between county colleges and other institutions of higher education. The council shall also keep institutions apprised of the

discontinuance of programs at other institutions and each president shall notify the council of any such action;

e. advise and assist the secretary in developing and updating a plan for higher education in the State including, but not limited to, the establishment of new institutions, closure of existing institutions and consolidation of institutions;

f. provide policy recommendations on Statewide higher education issues;

g. recommend to the Governor, Legislature and secretary on policy and overall levels of funding for student aid programs necessary to ensure accessibility to higher education;

h. transmit to the Governor, Legislature and secretary a general budget policy statement regarding overall State funding levels;

i. upon referral from the secretary pursuant to this act provide recommendations concerning institutional licensure and university status;

j. appoint subcommittees consisting of the presidents of the institutions of the various higher education sectors to decide matters, within the authority of the council. The presidents of the independent institutions shall develop a unified request for State support under chapter 72B of Title 18A of the New Jersey Statutes. The presidents of the county college sector shall develop a unified request for State support under chapter 64A of Title 18A of the New Jersey Statutes; and

k. consult with the Higher Education Student Assistance Authority concerning student assistance matters.

2. Section 14 of P.L.1994, c.48 (C.18A:3B-14) is amended to read as follows:

C.18A:3B-14 Responsibilities of Secretary of Higher Education.

14. The Secretary of Higher Education shall be responsible for:

a. Statewide planning for higher education including research on higher education issues and the development of a comprehensive master plan, including, but not limited to, the establishment of new institutions, closure of existing institutions, and consolidation of institutions, which plan shall be long-range in nature. Within 180 days of the effective date of P.L.2015, c.91 and, at a minimum, every seven years thereafter, the secretary shall adopt a new comprehensive master plan. The council may request the secretary to conduct a study of a particular issue. The secretary may require from institutions of higher education such reports or other information as may be necessary to enable the secretary to perform his duties;

b. advocacy on behalf of higher education including informing the public of the needs and accomplishments of higher education in New Jersey;

c. making recommendations to the Governor and Legislature on higher education initiatives and incentive programs of Statewide significance;

d. final administrative decisions over institutional licensure and university status giving due consideration to the accreditation status of the institution. The secretary shall furnish the Presidents' Council with any pertinent information compiled on behalf of the subject institution and the council shall then make recommendations to the secretary concerning the licensure of the institution or university status within sixty days of receipt of the information;

e. adopting a code of ethics applicable to institutions of higher education;

f. final administrative decisions over new academic programs that go beyond the programmatic mission of the institution and final administrative decisions over a change in the programmatic mission of an institution. In addition, within 60 days of referral of a proposed new program by the council, the secretary may deny approval of programs proposed by institutions of higher education which do not exceed the programmatic mission of the institution, but which may be of insufficient academic quality, may lack sufficient evidence of labor market demand, may be duplicative of comparable programs of study, or may be unduly expensive to the State as determined by the New Jersey Presidents' Council according to the review standards set by the secretary;

g. reviewing requests for State support from the institutions in relation to the mission of the institution and Statewide goals and proposing a coordinated budget policy statement to the Governor and Legislature;

h. communicating with the State Board of Education and Commissioner of Education to advance public education at all levels including articulation between the public schools and higher education community;

i. applying for and accepting grants from the federal government, or any agency thereof, or grants, gifts or other contributions from any foundation, corporation, association or individual, and complying with the terms, conditions and limitations thereof, for the purpose of advancing higher education. Any money so received may be expended by the secretary upon warrant of the director of the Office of Management and Budget in the Department of the Treasury on vouchers certified by the secretary;

j. acting as the lead agent of communication with the federal government concerning higher education issues, except that the Higher Education Student Assistance Authority shall act, in cooperation with the secretary, as the lead agency on issues of student assistance;

k. exercising all of the powers and duties previously exercised by the Board of Higher Education, the Department of Higher Education, and the Chancellor of Higher Education, under the "New Jersey Higher Education Building Construction Bond Act of 1971," P.L.1971, c.164, the "New Jersey

Medical Education Facilities Bond Act of 1977," P.L.1977, c.235, the "Jobs, Science and Technology Bond Act of 1984," P.L.1984, c.99, the "Jobs, Education and Competitiveness Bond Act of 1988," P.L.1988, c.78, the "Higher Education Equipment Leasing Fund Act," P.L.1993, c.136, and the "Higher Education Facilities Trust Fund Act," P.L.1993, c.375;

l. exercising any other power or responsibility necessary in order to carry out the provisions of this act;

m. consulting with the Higher Education Student Assistance Authority on student assistance matters;

n. advising and making recommendations for consideration to the Governor and the governing board of a public research university or a State college for members of that governing board appointed by the Governor; and

o. examining and recommending to institutions of higher education opportunities for joint purchasing and other joint arrangements that would be advantageous to the institutions.

3. Section 15 of P.L.1994, c.48 (C.18A:3B-15) is amended to read as follows:

C.18A:3B-15 Rules, regulations.

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

4. Section 20 of P.L.2009, c.308 (C.18A:3B-65) is amended to read as follows:

C.18A:3B-65 Plan for branch campus; additional location; definitions.

20. a. Subject to the approval of the Secretary of Higher Education, the governing board of a public research university or a State college may establish a branch campus. The governing board shall submit the plan for the branch campus to the secretary for review and approval. The plan shall be developed and reviewed according to standards established by the secretary through regulations promulgated pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

b. When the governing board, after study and investigation, determines that it is advisable for the institution to establish a branch campus or additional location out-of-State or out-of-country that will serve at least 100 students of the institution, the board shall include in the plan for the branch campus or additional location submitted to the secretary:

(1) a description of the higher educational needs of the country or region in which the branch campus or additional location shall be located;

(2) a description of the proposed branch campus or additional location and its proposed programs and curriculum;

(3) an estimate of the cost of establishing and maintaining the branch campus or additional location including the cost of any planned acquisition or construction of facilities;

(4) a commitment that the branch campus or additional location will comply with the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.), commonly known as the open public records act; and

(5) any other information or data deemed necessary by the secretary.

c. In developing a response to the plan, the secretary shall consider whether there is a need for the institution to acquire a branch campus or additional location and whether the institution has the financial capacity to support the campus or additional location.

d. The secretary may approve the establishment of an out-of-State or out-of-country branch campus or additional location if the secretary determines that the branch campus or additional location:

(1) serves a compelling State interest;

(2) does not impose excessive costs or reputational risk to the State;

(3) does not impose a risk to the security interests of the State or federal government; and

(4) does not conflict with existing State or federal laws or regulations.

In making the determination, the secretary may utilize the assistance of an external consultant team, solicit comments from interested parties including faculty and members of professional staff not holding faculty rank at the public research university or State college, and conduct a site visit at the proposed site of the branch campus or additional location.

e. The governing board of a public research university or a State college shall fix the salary of all faculty and members of the professional staff not holding faculty rank performing services at an out-of-State or out-of-country branch campus or additional location, and the faculty and members shall be paid and provided benefits in the same manner as all other employees of the public research university or State college performing services on behalf of the public research university or State college within the State.

f. The cost for consultants utilized by the secretary and other out-of-pocket expenses incurred by the secretary for branch campus and related reviews shall be paid by the institution seeking to establish a branch campus or additional location.

g. The secretary shall adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to carry out the provisions of this section.

h. When the governing board of an independent institution of higher education, after study and investigation, determines that it is advisable for the institution to establish a branch campus or additional location in the State that will serve at least 100 students of the institution, the board shall submit the plan for the branch campus or additional location to the secretary for review and comment. The plan shall be developed and reviewed according to standards established by the secretary through rules and regulations promulgated pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

i. As used in this section:

"Additional location" means a location, other than a branch campus, that is geographically apart from the main campus and at which the institution offers at least 50 percent of an educational program.

"Branch campus" means a physical facility located at a place other than the institution's principal campus offering one or more complete programs leading to a degree.

5. N.J.S.18A:68-3 is amended to read as follows:

Filing of copy of certificate of incorporation; fee schedules.

18A:68-3. a. No corporation shall furnish instruction or learning in the arts, sciences, or professions for the purposes of admitting any person to the grade of a degree, or shall confer or participate in conferring a degree, giving to any person a diploma of graduation or of proficiency in a course of study, in learning, or in scientific arts or methods, within this State, until it shall have filed a certified copy of its certificate of incorporation with the Secretary of Higher Education and obtained from the secretary a license to carry on the business under such rules as the secretary may prescribe.

b. The secretary shall prepare a fee schedule to cover the reasonable administrative costs associated with licensing procedures and submit the initial fee schedule to the Legislature for review. The secretary shall subsequently adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the fee schedule. Fees collected shall be deposited in the State Treasury.

c. The cost for consultants utilized by the Secretary of Higher Education and other out-of-pocket expenses incurred by the secretary for licensure and related reviews shall be paid by the institution seeking a license or license renewal.

C.18A:3B-90 Definitions relative to post-secondary education.

6. As used in sections 6 through 12 of P.L.2021, c.27 (C.18A:3B-90 through C.18A:3B-96):

“Closure” means the cessation of operations by an institution of higher education or a proprietary institution licensed to offer academic degrees.

“Secretary” means the Secretary of Higher Education.

“Disorderly closure” means a closure that does not meet the requirements of P.L.2021, c.27 (C.18A:3B-90 et al.).

“Eligible transfer institution” means an institution of higher education or a proprietary institution licensed to offer academic degrees that has been approved by the secretary pursuant to section 10 of P.L.2021, c.27 (C.18A:3B-94).

“Institutional debt” means:

(1) the amount outstanding on any credit, including unpaid charges, extended by or on behalf of an institution of higher education or a proprietary institution licensed to offer academic degrees that a student is obligated to repay, whether the amount has been reduced to a judgment or the institution classifies it as a loan; or

(2) a nonfederal loan or debt agreement that is issued expressly for post-secondary education expenses and that is guaranteed by an institution of higher education or a proprietary institution or a private educational lender that is affiliated with an institution of higher education or a proprietary institution.

“Institutional financial aid agreement” means any contract, promissory note, part of an enrollment agreement, or other agreement in which a student agrees to pay an institutional debt.

“Orderly closure” means a closure that meets the requirements of P.L.2021, c.27 (C.18A:3B-90 et al.).

“Student” means an individual enrolled at an institution of higher education or a proprietary institution licensed to offer academic degrees in New Jersey, or a New Jersey resident enrolled at an institution of higher education or proprietary institution located outside of this State.

“Teach-out agreement” means a written agreement between institutions that provides for the equitable treatment of students and a reasonable opportunity for students to complete their program of study if an institution, or an institutional location that provides 100 percent of at least one program offered, ceases to operate before all enrolled students have completed their program of study.

“Teach-out plan” means a written plan developed by the institution that provides for the equitable treatment of students if an institution, or an institutional location, ceases to operate before all students have completed their program of study, and may include, if required by the institution’s accrediting agency, a teach-out agreement between institutions.

C.18A:3B-91 Information provided to secretary.

7. a. An independent institution of higher education and a proprietary institution licensed to offer academic degrees shall immediately notify the secretary of any known financial liabilities or risks that are reasonably likely to result in the imminent closure of the institution or otherwise negatively affect the institution's ability to fulfill its obligations to current and admitted students.

b. All independent institutions and proprietary institutions licensed to offer academic degrees shall submit an annual fiscal monitoring report to the secretary according to a schedule established by the secretary and in a format developed by the secretary.

c. The secretary shall establish a process to annually assess each independent institution's and proprietary institution's financial information to identify whether an institution is at risk of imminent closure. The assessment shall be based on a review of information received through the annual fiscal monitoring report. In addition to the annual report, the secretary may also conduct additional assessments at the secretary's discretion to identify whether an institution is at risk of imminent closure.

d. If the secretary determines there is a risk of imminent closure, the determination and a summary of the basis for the determination shall be provided to the institution. Upon receipt of the determination and summary the institution shall immediately:

- (1) notify the secretary of any known liabilities, risks, or financial issues;
- (2) provide to the secretary any information necessary to accurately and fairly determine the institution's financial status and likelihood of imminent closure and to monitor its condition;

- (3) prepare and submit to the secretary a contingency plan for closure, which shall include:

- (a) a process to notify relevant stakeholders, as determined by the secretary including, but not limited to, enrolled students, candidates who have submitted applications, recent graduates, faculty, staff, and host communities;

- (b) arrangements for the continued education of currently enrolled students via teach-out agreement or other practical solution;

- (c) a plan for the transfer to and long-term maintenance of records, particularly student academic records, by a third-party if the institution closes;

- (d) information about the rights and responsibilities of student loan borrowers;

- (e) information about the institution's financial condition, accreditation status, and any outstanding compliance issues regarding federal and State student aid programs; and

(f) confirmation that the institution has obtained either a surety bond or letter of credit to refund student enrollment deposits and for the cost to maintain student records by a third-party.

e. Upon a finding by the secretary that an institution has failed to comply with the requirements of this section, the secretary shall have the authority to order:

(1) a fine not to exceed \$1,000 per day of non-compliance with the requirements of this section;

(2) the suspension of any State funding designated for the institution; and

(3) the suspension or revocation of any degree-granting authority previously conferred on the institution.

f. Any information submitted to, or developed by, the secretary in furtherance of this section shall not be a public record and shall be exempt from disclosure under provisions of P.L.1963, c.73 (C.47:1A-1 et seq.), commonly known as the open public records act.

C.18A:3B-92 Applicability of section.

8. a. This section shall apply to a proprietary institution licensed to offer academic degrees that operates in this State.

b. A proprietary institution licensed to offer academic degrees shall provide the secretary a teach-out plan that addresses a potential closure of the institution. The teach-out plan shall be updated as required by the secretary.

c. A teach-out plan shall include any information required by the secretary and shall state that:

(1) the institution shall make all reasonable efforts to ensure that any closure of the institution complies with the requirements of sections 9 through 12 of P.L.2021, c.27 (C.18A:3B-93 through C.18A:3B-96);

(2) the chief executive officer and the members of the governing body of the institution were not in an executive position or a member of a governing body of an institution in which a disorderly closure occurred; and

(3) any institutional financial aid agreement offered to a student shall contain language stating that, in the event of a disorderly closure, the institutional debt shall be void and shall not be recovered, collected, or enforced.

d. The Office of the Attorney General shall seek an injunction or other judicial remedy against a proprietary institution licensed to offer academic degrees that fails to comply with the requirements of this section, including requiring the institution to refund all tuition and fees paid by any student.

C.18A:3B-93 Applicability of C.18A:3B-93 through C.18A:3B-96.

9. a. Sections 9 through 12 of P.L.2021, c.27 (C.18A:3B-93 through C.18A:3B-96) shall apply to an institution of higher education or a proprietary institution licensed to offer academic degrees that operates in this State.

b. An institution of higher education or a proprietary institution licensed to offer academic degrees shall enter into a school-to-school teach-out agreement at least 120 days prior to the cessation of institution operations.

c. In order to satisfy the requirements of this section, a school-to-school teach-out agreement shall:

- (1) be arranged by the closing institution;
- (2) be agreed to by an eligible transfer institution, the closing institution, and the secretary;
- (3) unless waived for good cause by the secretary, specify that the eligible transfer institution shall:
 - (a) be located within a reasonable distance of the closing institution, if the closing institution has a physical presence in the State;
 - (b) accept the transfer of all completed credits from students affected by the closure; and
 - (c) allow a student affected by the closure to complete the student's program with substantially the same number of credit hours as was required by the closing institution;
- (4) specify that, on request by a student affected by the closure, the closing institution shall provide a complete academic record and an official transcript to the student at no cost to the student; and
- (5) meet any other standards as deemed appropriate by the secretary.

C.18A:3B-94 Approval as eligible transfer institution.

10. a. The Secretary of Higher Education shall approve an institution of higher education or a proprietary institution licensed to offer academic degrees to act as an eligible transfer institution if the institution:

- (1) is in good standing with its accreditor and, if applicable, its licensing body;
- (2) if applicable, has not been sanctioned by the United States Department of Education due to having a high cohort loan default rate;
- (3) has not been placed on Heightened Cash Monitoring Payment Method Level 2 by the United States Department of Education;
- (4) within the previous five years has not had any judgments related to a consumer protection law entered against it in favor of a law enforcement agency; and

(5) meets the requirements provided in section 9 of P.L.2021, c.27 (C.18A:3B-93), and any additional standards provided pursuant to subsection b. of this section.

b. The secretary may establish additional standards on a case-by-case basis for approving an eligible transfer institution.

C.18A:3B-95 Filing of certain records.

11. a. Before any institution of higher education or proprietary institution licensed to offer academic degrees ceases educational instruction or administrative operation, the institution shall file with the eligible transfer institution or a third-party approved by the secretary copies of all essential records of the current or former students of the institution. The obligation of an institution under this section shall not be discharged in bankruptcy.

b. If an institution of higher education or a proprietary institution licensed to offer academic degrees does not file all essential records in accordance with this section, the Office of the Attorney General may:

(1) require the institution to refund all tuition and fees paid by a student whose records are not filed in accordance with this section; and

(2) seek an injunction or other judicial remedy against the institution or school.

C.18A:3B-96 Unlawful practice, violation.

12. a. It shall be an unlawful practice and a violation of P.L.1960, c.39 (C.56:8-1 et seq.) for any institution of higher education, proprietary institution licensed to offer academic degrees, person, or entity to collect on a student's institutional debt if the institutional financial aid agreement does not contain the language required under paragraph (3) of subsection c. of section 8 of P.L.2021, c.27 (C.18A:3B-92).

b. It shall be an unlawful practice and a violation of P.L.1960, c.39 (C.56:8-1 et seq.) for an institution of higher education or proprietary institution licensed to offer academic degrees to collect on the institutional debt of a student who attended a program in which a disorderly closure occurred.

C.18A:3B-97 Rules, regulations.

13. The Secretary of Higher Education shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of sections 6 through 12 of P.L.2021, c.27 (C.18A:3B-90 through C.18A:3B-96).

C.34:15C-10.3 Definitions.

14. As used in sections 14 through 20 of P.L.2021, c.27 (C.34:15C-10.3 through C.34:15C-10.9):

“Closure” means the cessation of operations by a private career school.

“Commissioner” means the Commissioner of Labor and Workforce Development.

“Disorderly closure” means a closure that does not meet the requirements of P.L.2021, c.27 (C.18A:3B-90 et al.).

“Eligible transfer institution” means a private career school that has been approved by the commissioner pursuant to section 17 of P.L.2021, c.27 (C.34:15C-10.6).

“Institutional debt” means:

(1) the amount outstanding on any credit, including unpaid charges, extended by or on behalf of a private career school that a student is obligated to repay, whether the amount has been reduced to a judgment or the school classifies it as a loan; or

(2) a nonfederal loan or debt agreement that is issued expressly for postsecondary education expenses and that is guaranteed by a private career school or a private educational lender that is affiliated with a private career school.

“Institutional financial aid agreement” means any contract, promissory note, part of an enrollment agreement, or other agreement in which a student agrees to pay an institutional debt.

“Orderly closure” means a closure that meets the requirements of P.L.2021, c.27 (C.18A:3B-90 et al.).

“Private career school” means a privately owned and privately operated postsecondary school, other than an institution of higher education or proprietary institution licensed to offer academic degrees, that furnishes or offers to furnish programs, whether or not requiring a payment of tuition or fee, for the purpose of training, retraining, or upgrading individuals for gainful employment as workers in recognized or emerging occupations.

“Student” means an individual enrolled at a private career school in New Jersey, or a New Jersey resident enrolled at a private career school located outside of this State.

“Teach-out agreement” means a written agreement between schools that provides for the equitable treatment of students and a reasonable opportunity for students to complete their program of study if a school, or a school location that provides 100 percent of at least one program offered, ceases to operate before all enrolled students have completed their program of study.

“Teach-out plan” means a written plan developed by the school that provides for the equitable treatment of students if a school, or a school location, ceases to operate before all students have completed their program of study, and may include, if required by the school’s accrediting agency, a teach-out agreement between schools.

C.34:15C-10.4 Applicability.

15. a. Sections 14 through 20 of P.L.2021, c.27 (C.34:15C-10.3 through C.34:15C-10.9) shall apply to a private career school that operates in this State.

b. A private career school shall provide the commissioner a teach-out plan that addresses a potential closure of the school. The teach-out plan shall be updated as required by the commissioner.

c. A teach-out plan shall include any information required by the commissioner and shall state that:

(1) the school shall make all reasonable efforts to ensure that any closure of a school complies with the requirements of P.L.2021, c.27 (C.18A:3B-90 et al.);

(2) the chief executive officer and the members of the governing body of the school were not in an executive position or a member of a governing body of a school in which a disorderly closure occurred; and

(3) any institutional financial aid agreement offered to a student shall contain language stating that, in the event of a disorderly closure, the institutional debt shall be void and shall not be recovered, collected, or enforced.

d. The commissioner shall seek an injunction or other judicial remedy against a private career school that fails to comply with the requirements of this section, including requiring the school to refund all tuition and fees paid by any student.

C.34:15C-10. Private career school entrance into school-to-school teach-out agreement.

16. a. A private career school shall enter into a school-to-school teach-out agreement at least 120 days prior to the cessation of school operations.

b. In order to satisfy the requirements of this section, a school-to-school teach-out agreement shall:

(1) be arranged by the closing private career school;

(2) be agreed to by an eligible transfer institution, the closing private career school, and the commissioner; and

(3) unless waived for good cause by the commissioner, specify that the eligible transfer institution shall:

(a) be located within a reasonable distance of the closing school, if the closing school has a physical presence in the State;

(b) accept the transfer of all completed credits from students affected by the closure; and

(c) allow a student affected by the closure to complete the student's program with substantially the same number of credit hours as was required by the closing school; and

(4) not charge a student tuition or fees in excess of the lesser of:

(a) the remaining amount that a student affected by the closure would have paid to the closing school to complete the program; or

(b) the transfer institution's applicable tuition and fees; and

(5) specify that, on request by a student affected by the closure, the closing school shall provide a complete academic record and an official transcript to the student at no cost to the student.

C.34:15C-10.6 Approval of private career school to act as eligible transfer institution.

17. a. The Commissioner of Labor and Workforce Development shall approve a private career school to act as an eligible transfer institution if the school:

(1) is in good standing with its accreditor and, if applicable, its licensing body;

(2) if applicable, has not been sanctioned by the United States Department of Education due to having a high cohort loan default rate;

(3) has not been placed on Heightened Cash Monitoring Payment Method Level 2 by the United States Department of Education;

(4) within the previous five years, has not entered into any settlement agreements related to a consumer protection law with a law enforcement agency, or had any judgments related to a consumer protection law entered against it in favor of a law enforcement agency; and

(5) meets the requirements provided in section 16 of P.L.2021, c.27 (C.34:15C-10.5), and any additional standards provided pursuant to subsection b. of this section.

b. The commissioner may establish additional standards on a case-by-case basis for approving an eligible transfer institution.

C.34:15C-10.7 Essential records filed by private career school.

18. a. Before any private career school ceases operations, the school shall file with the commissioner copies of all essential records of the current or former students of the school. The obligation of a school under this section shall not be discharged in bankruptcy.

b. The records shall present, as separate documents:

(1) the official academic transcript of each student;

(2) any other academic information usually required by private career schools when considering students for transfer or advanced study; and

(3) if requested by the commissioner, the financial aid and financial account information of each student.

c. The records shall be accompanied by an affidavit as to the accuracy and completeness of the records on behalf of the school's board of trustees, bursar, chief administrative officer, chief executive officer, chief financial officer, or registrar.

d. The commissioner shall maintain a permanent file of all records filed with the commissioner under this section.

e. (1) If a student who attended a private career school that closed in accordance with P.L.2021, c.27 (C.18A:3B-90 et al.) requests a copy of the student's official academic transcript from the commissioner and the commissioner determines that the requested transcript is missing, incomplete, or in a format inaccessible to the student, the commissioner may issue a replacement transcript for the student based solely on the most recent information provided by the school that the student attended.

(2) A replacement transcript issued in accordance with paragraph (1) of this subsection shall be signed by a designee of the commissioner, contain an explanation of the closure of the school, and contain an explanation of the source of all information contained in the replacement transcript.

f. (1) Except as provided in paragraph (2) of this subsection, a replacement transcript issued in accordance with this section shall be accepted as an official transcript by any private career school operating in the State.

(2) For purposes of student transfer, a private career school may consider, instead of or in addition to a replacement transcript, an unofficial transcript or other transcript information provided by the student that the receiving institution or program deems relevant.

g. (1) The commissioner shall adopt regulations necessary to carry out the provisions of this section, which shall include the manner and format in which student records are to be filed with the commissioner, and a description of the circumstances under which a private career school may cease operation.

h. If a private career school does not file all essential records with the commissioner in accordance with this section, the commissioner may:

(1) require the school to refund all tuition and fees paid by a student whose records are not filed in accordance with this section; and

(2) seek an injunction or other judicial remedy against the private career school.

C.34:15C-10.8 Unlawful practice, violation.

19. a. It shall be an unlawful practice and a violation of P.L.1960, c.39 (C.56:8-1 et seq.) for any private career school, person, or entity to collect on a student's institutional debt if the institutional financial aid agreement does not contain the language required under paragraph (3) of subsection c. of section 15 of P.L.2021, c.27 (C.34:15C-10.4).

b. It shall be an unlawful practice and a violation of P.L.1960, c.39 (C.56:8-1 et seq.) for a private career school to collect on the institutional debt of a student who attended a program in which a disorderly closure occurred.

C.34:15C-10.9 Rules, regulations.

20. The Commissioner of Labor and Workforce Development, in consultation with the Commissioner of Education, shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of sections 14 through 19 of P.L.2021, c.27 (C.34:15C-10.3 through C.34:15C-10.8).

21. This act shall take effect on September 1, 2021.

Approved March 1, 2021.

CHAPTER 28

AN ACT concerning payments by consumers and amending Title 56 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.2019, c.50 (C.56:8-2.33) is amended to read as follows:

C.56:8-2.33 Discrimination against cash-paying customers prohibited; violations, penalties; exceptions.

1. a. A person selling or offering for sale goods or services at retail shall not require a buyer to pay using credit or prohibit cash as payment in order to purchase the goods or services. A person selling or offering for sale goods or services at retail shall accept legal tender when offered by the buyer as payment.

b. A person in violation of subsection a. of this section shall be subject to a civil penalty of up to \$2,500 for a first offense and up to \$5,000 for a second offense, to be collected in a civil action by a summary proceeding under the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10

et seq.). The Superior Court shall have jurisdiction of proceedings for the enforcement of the penalty provided by this section.

A third violation of subsection a. of this section is an unlawful practice under P.L.1960, c.39 (C.56:8-1 et seq.), and for the purposes of this subsection shall be considered a first offense under P.L.1960, c.39 (C.56:8-1 et seq.).

A fourth or subsequent violation of subsection a. of this section is an unlawful practice under P.L.1960, c.39 (C.56:8-1 et seq.), and for the purposes of this subsection shall be considered a subsequent offense under P.L.1960, c.39 (C.56:8-1 et seq.).

c. The provisions of this section shall not apply to:

(1) any person selling goods or services at an airport, provided that at least two persons selling food at each terminal within the airport accept cash as payment;

(2) any parking facility owned by a municipality, regardless of whether the facility is operated by the municipality, a parking authority, or an independent third party;

(3) any parking facility that accepts mobile payment, provided that the facility does not accept payment by any means other than mobile payment;

(4) any company in the business of renting motor vehicles, provided that the company accepts a cashier's check or a certified check when offered by a buyer as payment; and

(5) any sports or entertainment venue with a seating capacity of 10,000 or more irrespective of the event held at the venue.

d. As used in this section, "at retail" shall include any retail transaction conducted in person and exclude any telephone, mail, or Internet-based transaction.

2. This act shall take effect immediately.

Approved March 1, 2021.

CHAPTER 29

AN ACT concerning certain power restoration practices of electric public utilities and supplementing Title 48 of the Revised Statutes.

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

C.48:7-26 Definitions relative to certain power restoration practices of electric public utilities.

1. As used in P.L.2021, c.29 (C.48:7-26 et seq.):

“Assisted living facility” means an assisted living residence or comprehensive personal care home licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.).

“Board” means the Board of Public Utilities or any successor agency.

“DNA” means deoxyribonucleic acid.

“Electric public utility” means a public utility, as that term is defined in R.S.48:2-13, that transmits and distributes electricity to end users within this State.

“Extended power outage” means an electric power outage lasting more than 24 hours.

“Facility” means an assisted living facility; hospital; chronic or acute renal dialysis facility; clinical or research laboratory or institute that stores human blood, other human tissue, or human DNA; or nursing home.

“Hospital” means hospital licensed pursuant to P.L.1971 c.136 (C.26:2H-1 et seq.).

“Major event” means a natural or humanly caused occurrence arising from conditions beyond the control of the utility, including, but not limited to, a terrorist attack, thunderstorm, tornado, hurricane, flood, heat wave, snow storm, ice storm, or earthquake, which results in:

a. a sustained interruption of electric public utility service to at least 10 percent of the customers in an operating area or 10 percent of a utility’s customers within a municipality or county located in an operating area; or

b. the declaration of a state of emergency or disaster by the State or by the federal government.

“Nursing home” means a nursing home licensed pursuant to P.L.1971 c.136 (C.26:2H-1 et seq.).

C.48:7-27 Rules, regulations.

2. a. The board shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations requiring an electric public utility to give priority to a facility for electric public utility power restoration after an extended power outage following a major event, except that power restoration efforts to a facility shall not divert efforts to restore power where needed to otherwise maintain overall public safety.

b. The rules and regulations adopted by the board pursuant to subsection a. of this section shall allow an electric public utility to exercise its discretion to prioritize power restoration to a facility after an extended power

outage in accordance with the facility's needs and with the characteristics of the geographic area in which power shall be restored.

3. This act shall take effect 60 days following the date of enactment.

Approved March 1, 2021.

CHAPTER 30

AN ACT concerning municipal rehabilitation and economic recovery , and economic development, and amending P.L.2002, c.43 and supplementing P.L.2013, c.161 (C.52:27D-489p et al.).

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

1. Section 3 of P.L.2002, c.43 (C.52:27BBB-3) is amended to read as follows:

C.52:27BBB-3 Definitions relative to municipal rehabilitation and economic recovery.

3. As used in this act:

"Authority" means the New Jersey Economic Development Authority established pursuant to P.L.1974, c.80 (C.34:1B-1 et seq.).

"Board" means the State Economic Recovery Board established pursuant to section 36 of P.L.2002, c.43 (C.52:27BBB-36).

"Chief operating officer" means that person appointed pursuant to P.L.2002, c.43 (C.52:27BBB-1 et al.) responsible for reorganizing governmental operations of a qualified municipality in order to assure the delivery of essential municipal services and the professional administration of that municipal government.

"Commissioner" means the Commissioner of Community Affairs.

"Contiguous with" means within.

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

"Economic recovery term" means the period commencing with the expiration of the term of the chief operating officer and terminating 15 years thereafter.

"In consultation with" means with consideration of the input of, or the advice of, the mayor, governing body, chief operating officer or director, as the case may be, without regard to the form or manner of the consultation.

"Local Finance Board" means the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs.

"Mayor" means the mayor or chief executive officer of the municipality, as appropriate to the form of government.

"Project" means: (1) (a) acquisition, construction, reconstruction, repair, alteration, improvement and extension of any building, structure, facility, including water transmission facilities or other improvement, whether or not in existence or under construction, (b) purchase and installation of equipment and machinery, (c) acquisition and improvement of real estate and the extension or provision of utilities, access roads and other appurtenant facilities; and (2) (a) the acquisition, financing, or refinancing of inventory, raw materials, supplies, work in process, or stock in trade, or (b) the financing, refinancing or consolidation of secured or unsecured debt, borrowings, or obligations, or (c) the provision of financing for any other expense incurred in the ordinary course of business; all of which are to be used or occupied by any person in any enterprise promoting employment, either for the manufacturing, processing or assembly of materials or products, or for research or office purposes, including, but not limited to, medical and other professional facilities, or for industrial, recreational, hotel or motel facilities, public utility and warehousing, or for commercial and service purposes, including, but not limited to, retail outlets, retail shopping centers, restaurant and retail food outlets, and any and all other employment promoting enterprises, including, but not limited to, motion picture and television studios and facilities and commercial fishing facilities, commercial facilities for recreational fishermen, fishing vessels, aquaculture facilities and marketing facilities for fish and fish products and (d) acquisition of an equity interest in, including capital stock of, any corporation; or any combination of the above, which the authority determines will: (i) tend to maintain or provide gainful employment opportunities within and for the people of the State, or (ii) aid, assist and encourage the economic development or redevelopment of any political subdivision of the State, or (iii) maintain or increase the tax base of the State or of any political subdivision of the State, or (iv) maintain or diversify and expand employment promoting enterprises within the State; and (3) the cost of acquisition, construction, reconstruction, repair, alteration, improvement and extension of an energy saving improvement or pollution control project which the authority determines will tend to reduce the consumption in a building devoted to industrial or commercial purposes, or in an office building, of nonrenewable sources of energy or to reduce, abate or prevent environmental pollution within the State; and (4) the acquisition, construction, reconstruction, repair, alteration, improvement, extension, development, financing or refinancing of infrastructure and transportation facilities or

improvements related to economic development and of cultural, recreational and tourism facilities or improvements related to economic development and of capital facilities for primary and secondary schools and of mixed use projects consisting of housing and commercial development; and (5) the establishment, acquisition, construction, rehabilitation, improvement, and ownership of port facilities as defined in section 3 of P.L.1997, c.150 (C.34:1B-146). Project may also include: reimbursement to any person for costs in connection with any project, or the refinancing of any project or portion thereof, if such actions are determined by the authority to be necessary and in the public interest to maintain employment and the tax base of any political subdivision and likely to facilitate improvements or the completion of the project; and developing property and any construction, reconstruction, improvement, alteration, equipment or maintenance or repair, or planning and designing in connection therewith. For the purpose of carrying out mixed use projects consisting of both housing and commercial development, the authority may enter into agreements with the New Jersey Housing and Mortgage Finance Agency for loan guarantees for any such project in accordance with the provisions of P.L.1995, c.359 (C.55:14K-64 et al.), and for that purpose shall allocate to the New Jersey Housing and Mortgage Finance Agency, under such agreements, funding available pursuant to subsection a. of section 4 of P.L.1992, c.16 (C.34:1B-7.13). "Project" shall not include a school facilities project.

"Qualified municipality" means a municipality: (1) that has been subject to the supervision of a financial review board pursuant to the "Special Municipal Aid Act," P.L.1987, c.75 (C.52:27D-118.24 et seq.) for at least one year; (2) that has been subject to the supervision of the Local Finance Board pursuant to the "Local Government Supervision Act (1947)," P.L.1947, c.151 (C.52:27BB-1 et seq.) for at least one year; and (3) which, according to its most recently adopted municipal budget, is dependent upon State aid and other State revenues for not less than 55 percent of its total budget.

"Regional Impact Council" or "council" means that body established pursuant to section 39 of P.L.2002, c.43 (C.52:27BBB-39).

"Rehabilitation term" means that period during which the qualified municipality is under the direction of the chief operating officer appointed pursuant to section 7 of P.L.2002, c.43 (C.52:27BBB-7).

"Special arbitrator" means that judge designated by the Chief Justice pursuant to section 5 of P.L.2002, c.43 (C.52:27BBB-5).

"State supervision" means supervision pursuant to Article 4 of the "Local Government Supervision Act (1947)," P.L.1947, c.151 (C.52:27BB-54 et seq.).

"Treasurer" or "State treasurer" means the Treasurer of the State of New Jersey.

"Under rehabilitation and economic recovery" means that period which coincides with the rehabilitation term and the economic recovery term.

2. Section 6 of P.L.2002, c.43 (C.52:27BBB-6) is amended to read as follows:

C.52:27BBB-6 Municipality deemed under rehabilitation and economic recovery; term.

6. a. Upon the appointment of a chief operating officer pursuant to section 7 of P.L.2002, c.43 (C.52:27BBB-7), a qualified municipality shall be under rehabilitation and economic recovery. This period shall begin with the assumption of job responsibilities by the chief operating officer pursuant to this section and terminate 15 years following the end of the term of the chief operating officer. The period corresponding with the term of the chief operating officer shall be referred to hereinafter as the rehabilitation term. The period commencing with the expiration of the term of the chief operating officer and terminating 15 years thereafter shall be referred to hereinafter as the economic recovery term.

b. (1) During the economic recovery term, the mayor shall exercise those powers delegated to the mayor pursuant to the form of government, the charter and the administrative code of the municipality, and those powers delegated to the mayor under general law. In addition, during the economic recovery term, the mayor shall retain the power to veto the minutes of any independent board or authority, including, but not limited to, the housing authority, parking authority, redevelopment authority, planning board and board of adjustment. No action taken at any meeting of any independent board or authority shall have force or effect until 10 days, exclusive of Saturdays, Sundays and public holidays, after the copy of the minutes shall have been delivered to the mayor. If, in that 10-day period, the mayor returns the copy of the minutes with a veto of any action taken by the board or authority at the meeting, that action shall be null and void and of no force and effect. Following the completion of the 10-day period, those actions not vetoed shall be considered approved.

(2) During the first 18 months of the economic recovery term, the mayor shall have the power to veto or terminate any employment contract not subject to a collective bargaining agreement, whether or not subject to Title 11A, Civil Service, of the New Jersey Statutes. This shall not apply to employment contracts under extension pursuant to terms under the expired contract.

(3) The mayor shall cause to be issued an interim report and a final report on the progress of the municipality toward achieving municipal rehabilitation and economic recovery, as set forth in section 8 of P.L.2002, c.43 (C.52:27BBB-8). The interim report shall be issued no later than June 30, 2021, and the final report shall be issued at the end of the economic recovery term.

(4) The mayor shall authorize the municipal planning board, from time to time, to prepare a program of municipal capital improvement projects projected over a term of at least six years, and amendments thereto. The program may include current and future major projects being, or to be, undertaken with federal, State, county, or other public funds, or under federal, State, or county supervision. The first year of the program shall, upon adoption by the governing body, constitute the capital budget of the municipality as required by N.J.S.40A:4-43 et seq. The program shall classify projects in regard to the urgency and need for realization, and shall recommend a time sequence for their implementation. The program may also contain the estimated cost of each project and indicate probable operating and maintenance costs and probable revenues, if any, as well as existing sources of funds, or the need for additional sources of funds, for the implementation and operation of each project. The program shall, as far as possible, be based on existing information in the possession of the departments and agencies of the municipality and shall take into account public facility needs indicated by the prospective development shown in the master plan of the municipality or as permitted by other municipal land use controls.

(5) While the municipality is under rehabilitation and economic recovery, the mayor shall retain the power to make those appointments to municipal authorities, boards or commissions, as the case may be, which is otherwise allocated to the mayor pursuant to law.

The mayor may retain staff for the purpose of advising the mayor and aiding in the performance of constituent services during the rehabilitation term.

(6) The Director of the Division of Local Government Services in the Department of Community Affairs shall annually conduct a compliance audit of the activities of a qualified municipality during the economic recovery term to ensure compliance with P.L.2002, c.43 (C.52:27BBB-1 et al.) and other relevant State laws and shall report the findings to the Local Finance Board and the mayor.

(7) The financial incentives set forth in sections 54 through 56 of P.L.2002, c.43 (C.52:27BBB-53 through 55) shall remain in effect until the municipality is no longer eligible for financial assistance pursuant to the "Special Municipal Aid Act," P.L.1987, c.75 (C.52:27D-118.24 et seq.).

c. Upon the assumption of job responsibilities by the chief operating officer, the financial review board created pursuant to section 5 of P.L.1999, c.156 (C.52:27D-118.30a) to oversee the finances of the municipality shall cease to function and the municipality shall cease to be under supervision pursuant to Article 4 of P.L.1947, c.151 (C.52:27BB-54 et seq.).

All outstanding debts or obligations incurred by a qualified municipality or the New Jersey Housing and Mortgage Finance Agency established pursuant to section 4 of the "New Jersey Housing and Mortgage Finance Agency Law of 1983," P.L.1983, c.530 (C.55:14K-4) and secured by a right of first refusal on municipally-owned property as of 10 days following a determination by the commissioner that the municipality fulfills the definition of a qualified municipality pursuant to section 4 of P.L.2002, c.43 (C.52:27BBB-4), with any subsidiary of that agency with jurisdiction in a qualified municipality, other than those debts or obligations represented by bonds or other negotiable instruments, are forgiven.

Notwithstanding the termination of the financial review board and supervision, all memorandums of understanding entered into by the municipality as a condition of receiving assistance under P.L.1987, c.75 (C.52:27D-118.24 et seq.) that require the municipality to implement any government, administrative, operational efficiency or oversight measures necessary for the fiscal recovery of the municipality as recommended by the director and approved by the Local Finance Board shall continue to have full force and effect.

During the rehabilitation term, the chief operating officer shall be responsible for entering into any memorandum of understanding on behalf of the qualified municipality that is required as a condition of receiving assistance under P.L.1987, c.75 (C.52:27D-118.24 et seq.), or any other law; provided, however, that those memoranda of understanding shall be consistent with the provisions of P.L.2002, c.43 (C.52:27BBB-1 et al.) and P.L.2007, c.176 (C.52:27BBB-2.2 et al.), and the powers of the chief operating officer granted pursuant thereto. Any such memoranda of understanding shall be executed between the chief operating officer and the Director of the Division of Local Government Services in the Department of Community Affairs. Whenever the powers and duties of the chief operating officer have devolved upon the director pursuant to subsection b. of section 7 of P.L.2002, c.43 (C.52:27BBB-7), the memorandum of understanding shall be executed between the director, on behalf of the qualified municipality, and the State Treasurer, on behalf of the State.

C.52:27D-489u Appeal after property tax exemption terminated.

3. Notwithstanding any other law to the contrary, a Garden State Growth Zone Development Entity that is granted a property tax exemption on improvements to eligible property pursuant to section 24 of P.L.2013, c.161 (C.52:27D-489s) may not appeal the assessed value of such improvements until after the property tax exemption is terminated.

4. This act shall take effect immediately.

Approved March 1, 2021.

CHAPTER 31

AN ACT concerning referrals to substance use disorder treatment facilities 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:40A-6 Certain payments for referral to certain facilities, fourth degree crime.

1. a. A person is guilty of a crime of the fourth degree if the person makes or receives a payment or otherwise furnishes or receives any fee, commission, or rebate to any person in connection with the referral of patients to a facility licensed in accordance with section 8 of P.L.1975, c.305 (C.26:2B-14) for substance use disorder treatment or services or to a substance use disorder treatment facility issued a certificate of approval pursuant to P.L.1970, c.334 (C.26:2G-21 et seq.).

b. A person is guilty of a crime of the fourth degree if the person knowingly assists, conspires with, or urges any person to make, furnish, or receive a payment, fee, commission, or rebate in violation of subsection a. of this section.

c. It shall not be a violation of subsection a. of this section to make or receive a payment or otherwise furnish or receive any fee, commission, or rebate that does not vary based on:

(1) the number of patients referred to a substance use disorder treatment facility;

(2) the duration, level, volume, or nature of the substance use disorder treatment services provided to a patient; or

(3) the amount of benefits provided by a carrier to a substance use disorder treatment facility for treatment or services provided to a patient.

2. This act shall take effect immediately.

Approved March 1, 2021.

CHAPTER 32

AN ACT concerning diversity and inclusion instruction in school districts and supplementing chapter 35 of Title 18A of the New Jersey Statutes.

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

C.18A:35-4.36a Curriculum to include instruction on diversity and inclusion.

1. a. Beginning in the 2021-2022 school year, each school district shall incorporate instruction on diversity and inclusion in an appropriate place in the curriculum of students in grades kindergarten through 12 as part of the district's implementation of the New Jersey Student Learning Standards.

b. The instruction shall:

(1) highlight and promote diversity, including economic diversity, equity, inclusion, tolerance, and belonging in connection with gender and sexual orientation, race and ethnicity, disabilities, and religious tolerance;

(2) examine the impact that unconscious bias and economic disparities have at both an individual level and on society as a whole; and

(3) encourage safe, welcoming, and inclusive environments for all students regardless of race or ethnicity, sexual and gender identities, mental and physical disabilities, and religious beliefs.

c. The Commissioner of Education shall provide school districts with sample learning activities and resources designed to promote diversity and inclusion.

2. This act shall take effect immediately.

Approved March 1, 2021.

CHAPTER 33

AN ACT concerning resident rights in long-term care facilities 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-12.101 Definitions concerning resident rights in long-term care facilities.

1. As used in this act:

"Gender expression" means a person's gender-related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

"Gender identity" means a person's internal, deeply held knowledge or sense of their own gender, regardless of the sex the person was assigned at birth.

"Gender-nonconforming" means a person whose gender expression does not conform to stereotypical expectations of that person's gender.

"Gender transition" means a process in which a person begins to live according to that person's gender identity, rather than the sex the person was assigned at birth, which process may include changing one's clothing, appearance, name, or identification documents, or undergoing medical treatments.

"Intersex" means a person whose sexual or reproductive anatomy or chromosomal pattern is not consistent with typical definitions of male or female.

"LGBTQI" means lesbian, gay, bisexual, transgender, questioning, queer, and intersex.

"Long-term care facility" means a nursing home, assisted living residence, comprehensive personal care home, residential health care facility, or dementia care home licensed pursuant to P.L. 1971, c. 136 (C.26:2H-1 et seq.).

"Long-term care facility staff" means all individuals employed by, or contracted directly with, a long-term care facility.

"Resident" means resident or patient of a long-term care facility.

"Queer" means a person whose gender expression, gender identity, or sexual orientation does not conform to dominant expectations or standards.

"Questioning" means a person who is exploring or unsure about the person's own sexual orientation or gender identity or expression.

"Sexual orientation" means a person's romantic or sexual attraction to other people.

"Transgender" means a person whose gender identity or gender expression differs from the sex assigned to the person at birth.

"Undesignated/non-binary" means a person whose gender identity is not exclusively male or female, including, but not limited to, a person whose gender identity is intersex, agender, amalgagender, androgynous, bigender, demigender, genderfluid, genderqueer, neutrois, non-binary, pangender, third sex, transgender, Two Spirit, or otherwise unspecified by the person.

C.26:2H-12.102 Prohibited actions by staff.

2. a. Except as provided in subsection b. of this section, a long-term care facility and long-term care facility staff shall be prohibited from taking any of the following actions based in whole or in part on a person's actual or

perceived sexual orientation, gender identity, gender expression, intersex status, or human immunodeficiency virus (HIV) status:

(1) denying admission to a long-term care facility, transferring or refusing to transfer a resident within a facility or to another facility, or discharging or evicting a resident from a facility;

(2) denying a request by residents to share a room;

(3) Subject to the provisions of paragraph (5) of subsection (e) of 42 CFR s.483.10, where rooms are assigned by gender, assigning, reassigning, or refusing to assign a room to a transgender or non-binary resident other than in accordance with the transgender or undesignated/non-binary resident's gender identity, unless at the transgender or undesignated/non-binary resident's request;

(4) prohibiting a resident from using, or harassing a resident who seeks to use or does use, a restroom available to other persons of the same gender identity, regardless of whether the resident is making a gender transition, has taken or is taking hormones, has undergone gender affirmation surgery, or presents as gender-nonconforming. For the purposes of this paragraph, harassment includes, but is not limited to, requiring a resident to show identity documents in order to gain entrance to a restroom available to other persons of the same gender identity;

(5) repeatedly failing to use a resident's chosen name or pronouns after being clearly informed of the chosen name or pronouns;

(6) denying a resident the right to wear or be dressed in clothing, accessories, or cosmetics or to engage in grooming practices that are permitted to any other resident;

(7) restricting a resident's right to associate with other residents or with visitors, including the right to consensual sexual relations;

(8) denying or restricting medical or nonmedical care that is appropriate to a resident's organs and bodily needs, or providing medical or nonmedical care that, to a similarly-situated, reasonable person, unduly demeans the resident's dignity or causes avoidable discomfort; or

(9) refuse or willfully fail to provide any service, care, or reasonable accommodation to a resident or an applicant for services or care.

b. The requirements of this act shall not apply to the extent that compliance with the requirement is incompatible with any professionally-reasonable clinical judgment.

c. Each facility shall post the following notice alongside its current nondiscrimination policy and alongside its written materials providing notice of resident rights pursuant to N.J.A.C.8:39-4.1, in all places and on all materials where that policy or those written materials are posted:

“(Name of facility) does not discriminate and does not permit discrimination, including, but not limited to, bullying, abuse, or harassment, on the basis of actual or perceived sexual orientation, gender identity, gender expression, intersex status, or HIV status, or based on association with another individual on account of that individual’s actual or perceived sexual orientation, gender identity, gender expression, intersex status, or HIV status. You may file a complaint with the Office of the State Long-Term Care Ombudsman, (provide current contact information), if you believe you have experienced this kind of discrimination.”

C.26:2H-12.103 Information included in resident records.

3. Each long-term care facility shall ensure that resident records, including records generated at the time of admission, include the resident’s gender identity and the resident’s chosen name and pronouns, as indicated by the resident.

C.26:2H-12.104 Confidentiality of certain resident information.

4. a. Unless required by State or federal law, a long-term care facility shall not disclose any personal identifying information regarding: (1) a resident’s sexual orientation; (2) whether a resident is transgender or undesignated/non-binary; (3) a resident’s gender transition status; (4) a resident’s intersex status; or (5) a resident’s HIV status.

The facility shall take appropriate steps to minimize the likelihood of inadvertent or accidental disclosure of such information to other residents, visitors, or facility staff, except to the minimum extent necessary for facility staff to perform their duties.

b. Unless expressly authorized by the resident or the resident’s authorized representative, long-term facility staff not directly involved in providing direct care to a resident, including, but not limited to, a transgender, undesignated/non-binary, intersex, or gender-nonconforming resident, shall not be present during a physical examination of, or the provision of personal care to, that resident if the resident is partially or fully unclothed. A facility shall use doors, curtains, screens, or other effective visual barriers to provide bodily privacy for all residents, including, but not limited to, transgender, undesignated/non-binary, intersex, or gender-nonconforming residents, whenever they are partially or fully unclothed.

c. Informed consent shall be required in relation to any non-therapeutic examination or observation of, or treatment provided to, a resident of the facility.

d. Transgender residents shall be provided access to such transition-related assessments, therapy, and treatments as have been recommended by the

resident's health care provider, including, but not limited to, transgender-related medical care, including hormone therapy and supportive counseling.

C.26:2H-12.105 Violations, civil penalties, administrative action.

5. A long-term care facility that violates the requirements of this act, or that employs a staff member who violates the requirements of this act, shall be subject to civil penalties or other administrative action as may be provided under Department of Health regulations. Nothing in this act shall be construed to limit the ability to bring any civil, criminal, or administrative action for conduct constituting a violation of any other provision of law.

C.26:2H-12.106 Training for administrators, staff.

6. a. Each long-term care facility shall ensure that the administrators and staff at the long-term care facility receive training, on at least a biennial basis, concerning:

- (1) caring for LGBTQI seniors and seniors living with HIV; and
- (2) preventing discrimination based on sexual orientation, gender identity or expression, intersex status, and HIV status.

b. At a minimum, the training required pursuant to this section shall include:

- (1) the definition of the terms commonly associated with sexual orientation, gender identity and expression, intersex status, and HIV;
- (2) best practices for communicating with or about LGBTQI seniors and seniors living with HIV, including the use of a resident's chosen name and pronouns;
- (3) a description of the health and social challenges historically experienced by LGBTQI seniors and seniors living with HIV, including discrimination when seeking or receiving care at long-term care facilities, and the demonstrated physical and mental health effects within the LGBTQI community associated with such discrimination;
- (4) strategies to create a safe and affirming environment for LGBTQI seniors and seniors living with HIV, including suggested changes to facility policies and procedures, forms, signage, communication between residents and their families, activities, and staff training and in-services; and
- (5) an overview of the provisions of this act.

c. The training required pursuant to this section shall be provided by an entity that has demonstrated expertise in identifying the legal, social, and medical challenges faced by, and in creating safe and affirming environments for, LGBTQI seniors and seniors living with HIV who reside in long-term care facilities in New Jersey.

d. (1) Each long-term care facility shall designate two employees, including one employee representing management at the facility and one employee representing direct care staff at the facility, to receive in-person training within six months after the effective date of this act, which designated employees shall serve as points of contact for the facility regarding compliance with the provisions of this act and shall develop a general training plan for the facility. In the event a designated employee ceases to be employed by the facility, the facility shall designate another employee, who is representative of the employee group represented by the former designee, who shall complete the in-person training required pursuant to this paragraph, serve as a point of contact for the facility regarding compliance with the provisions of this act, and have joint responsibility for the facility's training plan.

(2) Administrators and staff members currently employed by a long-term care facility, other than an employee designated pursuant to paragraph (1) of this subsection, shall complete the training required pursuant to this section within one year after the effective date of this act. Administrators and staff hired by a long-term care facility after the effective date of this act shall complete the training required pursuant to this section within one year after the date of hire, unless the individual provides documentation demonstrating that the individual has completed equivalent training within the past two years.

(3) Each long-term care facility shall retain records documenting the completion of the training required pursuant to this section by each administrator and staff member at the long-term care facility. Compliance records shall be made available, upon request, to the Department of Health, the Department of Human Services, and the Office of the State Long-Term Care Ombudsman.

e. Each long-term care facility shall assume the cost of providing the training required pursuant to this section.

C.26:2H-12.107 Rules, regulations.

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

8. This act shall take effect 180 days after the date of enactment.

Approved March 3, 2021.

CHAPTER 34

AN ACT concerning the mitigation of loss on distressed and foreclosed properties, supplementing and amending Title 55 of the Revised Statutes, and amending Title 2A of the New Jersey Statutes.

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

C.55:14K-94 Short title.

1. This act shall be known and may be cited as the "New Jersey Foreclosure Prevention Act."

C.55:14K-95 Findings, declarations relative to foreclosure prevention.

2. The Legislature finds and declares that:

a. New Jersey experienced heightened foreclosure rates during the Great Recession beginning in 2008 and continuing for the ensuing decade, only returning to pre-recession rates of foreclosure in 2019.

b. New Jersey is currently suffering through the COVID-19 pandemic, with more than 1.6 million New Jersey residents seeking unemployment benefits due to job loss, furlough, or hour reductions.

c. Homeowners in New Jersey have suffered enormous negative economic impacts due to the COVID-19 pandemic, resulting in increased housing insecurity. During each month from April 2020 through August 2020, the number of New Jersey households that deferred or did not pay their mortgages exceeded 160,000;

d. Given New Jersey's susceptibility to prolonged periods of elevated rates of foreclosure, as evidenced by the long-term impact of the Great Recession, the Legislature hereby determines and declares that there is a need to provide alternative foreclosure mitigation measures.

C.55:14K-96 Definitions relative to foreclosure prevention.

3. As used in P.L.2021, c.34 (C.55:14K-94 et al.):

"Agency" means the New Jersey Housing and Mortgage Finance Agency established pursuant to section 4 of P.L.1983, c.530 (C.55:14K-4).

"Community development corporation" means a nonprofit community development corporation established pursuant to Title 15 or 15A of the Revised Statutes of New Jersey, or other law of this State, with a focus on producing and operating affordable housing or housing with on-site social services for individuals with special needs.

“Community development financial institution” means an entity designated and certified by the United States Department of the Treasury as a Community Development Financial Institution pursuant to 12 CFR Part 1805.

“Contractor” means a qualified community development financial institution that enters into a contract or loan with the agency pursuant to section 5 of P.L.1983, c.530 (C.55:14K-5).

“Eligible property” means any residential property or mortgage note that is owned by an institutional lender as the result of a mortgage foreclosure judgment or a deed in lieu of foreclosure, is by a municipality as the result of a tax foreclosure judgment or is subject to a nonperforming loan from an institutional lender.

“Fund” means the Foreclosure Intervention Fund, established pursuant to section 4 of P.L.2021, c.34 (C.55:14K-97).

“Institutional lender” or “lender” means any lawfully constituted mortgage lender, mortgage investor, or mortgage loan servicer that owns an eligible property, including, but not limited to, any agency or instrumentality of the United States or the State, including, but not limited to, the Government National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, the Federal Housing Administration, the Small Business Administration, the Resolution Funding Corporation, and the Federal Deposit Insurance Corporation.

“Intercreditor agreement” means an agreement among creditors that sets forth the various lien positions and the rights and liabilities of each creditor and its impacts on the other creditors.

“Program” means the “New Jersey Residential Foreclosure Prevention Program” established pursuant to section 4 of P.L.2021, c.34 (C.55:14K-97).

“Qualified community development financial institution” means a community development financial institution that has a minimum of \$50,000,000 in assets and a minimum of two years' experience in the financing and acquisition of real estate for affordable housing.

C.55:14K-97 “New Jersey Residential Foreclosure Prevention Program.”

4. a. There is established in the agency the “New Jersey Residential Foreclosure Prevention Program,” which shall be subject to the powers of the agency, as designated pursuant to section 5 of P.L.1983, c.530 (C.55:14K-5). The goal of the program is to ensure that loss mitigation and foreclosure prevention measures are taken on eligible properties. Either directly, or through its contractors, the agency may purchase eligible properties and mortgage assets in furtherance of this goal, pursuant to section 5 of P.L.2021, c.34 (C.55:14K-98).

b. The agency in furtherance of the program may enter into contracts with any person, corporation, or entity which the agency determines to be necessary or appropriate to carry out its responsibilities under P.L.2021, c.34 (C.55:14K-94 et al.). Such contracts shall be subject to the procedures adopted pursuant to section 5 of P.L.2021, c.34 (C.55:14K-98). All contracts entered into in furtherance of the program shall be governed by the laws of the State and shall provide for indemnification of the agency.

c. In carrying out the agency's duties under P.L.2021, c.34 (C.55:14K-94 et al.), the agency may employ the consulting services of real estate and loan portfolio asset management firms, property management firms, auction marketing firms, brokerage services firms, appraisers, and such other consultants and employees required in the judgment of the agency, notwithstanding the provisions of Title 11A of the New Jersey Statutes.

d. Within 180 days following the enactment of P.L.2021, c.34 (C.55:14K-94 et al.), the agency shall adopt a funding plan for the program utilizing the "Foreclosure Intervention Fund" established pursuant to section 6 of P.L.2021, c.34 (C.55:14K-99). The agency may directly fund the program through revenue generated by the fund. The agency shall have the authority to alter its funding plan as the Executive Director of the agency deems necessary. The funding plan shall include, but not be limited to, program revenue, expected expenditures and projections for the acquisition of foreclosed residential properties or mortgage assets.

C.55:14K-98 Entry into contracts, loans.

5. a. (1) The agency may enter into contracts or loans, or both, with no more than two qualified community development financial institutions to negotiate, bid for, and purchase eligible properties and mortgage assets for the purpose of facilitating the program. In selecting contractors from among qualified community development financial institutions, the agency shall accord a strong preference to qualified community development financial institutions that have substantial experience in lending in the State and substantial knowledge of the State's real estate markets. The agency may enter into contracts or loans, or both, with a partnership or consortia of organizations, as long as a qualified community development financial institution is the lead entity, or a partnership or consortia of multiple qualified community development financial institutions.

(2) Should the agency contract with a community development financial institution for the purposes of P.L.2021, c.34 (C.55:14K-94 et al.), the contract shall specify the amounts, schedules, and types of funding to be pro-

vided by the agency to the qualified community development financial institution, the repayment schedule for the portion of that funding to be repaid, and targeted goals for homeowner interventions. The agency may condition funding and goals upon the availability of funds to the program. The contract shall specify reasonable administrative costs sufficient to enable the qualified community development financial institution to exercise its obligations pursuant to P.L.2021, c.34 (C.55:14K-94 et al.). The contract shall set forth criteria for instances when the purchase, sale, lease, and conveyance of properties furthers the purposes of P.L.2021, c.34 (C.55:14K-94 et al.).

b. All purchases, sales, leases, and conveyances of property by qualified community development financial institutions exercised pursuant to this section shall be deemed to lessen the burdens of government in furthering the purposes of P.L.2021, c.34 (C.55:14K-94 et al.).

C.55:14K-99 Foreclosure Intervention Fund.

6. a. There is established within the agency a Foreclosure Intervention Fund, which shall be a non-lapsing, revolving fund and which shall be the repository for funds appropriated or otherwise made available for the purposes of P.L.2021, c.34 (C.55:14K-94 et al.), and any interest earned thereon. The fund shall be administered by the agency, in accordance with its authority under section 5 of P.L.1983, c.530 (C.55:14K-5) to manage funds for housing programs.

b. The agency may transfer into the fund any amounts held or received by the agency that are needed by the agency or its contractors for the purchase of eligible property.

c. The agency may use annually up to five percent of the monies available in the fund for the payment of any necessary administrative costs related to the administration of the program.

d. Revenue generated through the mechanisms established pursuant to N.J.S.2A:17-38 exceeding the funding plan developed pursuant to subsection d. of section 4 of P.L.2021, c.34 (C.55:14K-97) may be appropriated by the agency for additional foreclosure prevention programs.

C.55:14K-100 Grants to eligible applicants.

7. a. The agency may make grants to eligible applicants, including, but not limited to, non-profit housing sponsors, municipalities or other governmental entities utilizing funds provided by P.L.2021, c.34 (C.55:14K-94 et al.) or otherwise made available to the agency. Grants issued pursuant to this section shall be used to advance the goals of the program, as established pursuant to section 4 of P.L.2021, c.34 (C.55:14K-97).

b. The agency shall establish regulations, procedures or guidelines governing the qualifications of applicants, the application procedures and the criteria for awarding grants to such eligible applicants and the standards for establishing the amount, terms and conditions of each grant.

C.55:14K-101 Authority of agency.

8. a. The agency is authorized to defend and indemnify the federal government, any department, board, body, agency or other entity thereof, the Government National Mortgage Association and its successors and assigns, the Federal National Mortgage Association and its successors and assigns, and the Federal Home Loan Mortgage Corporation and its successors and assigns, against claims, causes of action, demands, costs or judgments against that entity arising as a direct result of that entity's agreement with the agency, upon the terms and limitations the agency deems reasonable and appropriate. An agreement to defend and indemnify pursuant to this subsection shall not bar, reduce, limit or affect any remedies the agency may have to enforce the agency's agreement or to assert a claim for damages to which the agency may be entitled arising out of the entity's failure to perform the agreement, or for the recovery of funds expended for the defense of an entity if the defense was undertaken in response to a claim or cause of action brought against the entity which arose from gross negligence, willful misconduct, fraud, intentional tort, bad faith, or criminal conduct of the entity or one or more of its officials or employees. No one other than an entity which is a party to the agreement with the agency may enforce any agreement for defense or indemnification between that entity and the agency.

b. The agency may create a reserve fund, procure insurance or take other such appropriate action in order to meet its future obligations, if any, created by such indemnification obligations. Any agreement to indemnify pursuant to subsection a. may be made only as necessary or appropriate to the exercise of any power herein granted or reasonably implied, provided that: (1) such indemnification shall be payable solely from the funds of the agency on deposit in its General Fund or placed in a reserve fund for that purpose; and (2) such indemnification shall not constitute a debt, obligation or liability of the State, and the State shall not be liable for any obligation as a result of the agency's indemnification obligation.

9. N.J.S.2A:17-38 is amended to read as follows:

Statement of execution sales, disposition of revenues.

2A:17-38. a. When a sheriff or other officer makes a sale by virtue of an execution or executions to the sheriff or officer directed, the sheriff or officer

shall, within 30 days thereafter, make and file, with his bill of costs or execution fees, in the office of the clerk of the court out of which the execution or executions issued, a true statement and calculation, in order of time, of the execution or executions by virtue of which the sale was made, the amount or amounts due thereon, respectively, at the time of the sale, the time or times of sale and the amount of the sales.

b. (1) When calculating the amount due thereon, as described in subsection a. of this section, the sheriff or officer shall additionally collect \$350 per sale to be utilized by the fund within the New Jersey Housing and Mortgage Finance Agency established in section 6 of P.L.2021, c.34 (C.55:14K-99).

(2) The revenues obtained from these increased amounts, after deduction of any actual administrative costs incurred by the sheriff or officer in carrying out the provisions of this subsection, shall be transmitted no later than the first day of each quarter by the sheriff or officer to the fund with an accounting of collections and foreclosure actions during the corresponding quarter.

c. The statement shall be certified under the hand of the officer making and filing it, and shall be conclusive against the officer only. If there be more sales than one, the statement shall be made and filed within 30 days after the final sale.

10. Section 7 of P.L.1983, c.530 (C.55:14K-7) is amended to read as follows:

C.55:14K-7 Terms and conditions of loans.

7. a. Loans made by the agency to finance housing projects shall be subject to the following terms and conditions:

(1) The loan shall be for a period of time not in excess of 50 years as determined by the agency;

(2) The amount of the loan shall not exceed 90% of the total project cost as determined by the agency, except that as to projects to be owned, constructed, improved, rehabilitated, operated, managed and maintained as mutual housing or by any corporation or association organized not for profit which has as one of its purposes the construction, improvement or rehabilitation of housing projects, the amount of the loan shall not exceed 100% of the total project cost as determined by the agency; but the agency may make additional loans to a housing sponsor to which a loan by the agency for the cost of a project is outstanding if and to the extent that the agency finds that such additional loan is required to more adequately secure and protect the project or to avoid a default by the sponsor on the original loan for the cost

of the project and is in the best interest of the agency and the holders of its bonds issued to finance the original loan for the cost of the project;

(3) The interest rate on the loan shall be established by the agency at the lowest level consistent with the agency's cost of operation and its responsibilities to the holders of its bonds;

(4) The loan shall be evidenced by a mortgage note or bond and by a mortgage which shall be a first lien on the project and which shall contain such terms and provisions and be in a form approved by the agency. The agency shall require the qualified housing sponsor receiving a loan or its contractor to post security in amounts related to the project cost as established by regulation and to execute such other assurances and guarantees as the agency may deem necessary and may require its principals or stockholders to also execute such other assurances and guarantees as the agency may deem necessary;

(5) The loan shall be subject to an agreement between the agency and the housing sponsor which will subject the housing sponsor and its principals or stockholders to limitations established by the agency as to rentals and other charges, builders' and developers' profits and fees, and the disposition of its property and franchises to the extent more restrictive limitations are not provided by the law under which the borrower is incorporated or organized;

(6) The loan shall be subject to an agreement between the agency and the housing sponsor limiting the housing sponsor and its principals or stockholders to such rate of return on its investment in the housing project to be assisted with a loan from the agency as shall be fixed from time to time by the agency in its regulations which shall take into account the prevailing rates of return available for similar investments and the risks associated with the development of the project, together with factors designed to promote the objectives of providing affordable housing, encouraging investment in urban development areas, maintaining and improving the existing housing stock, and other objectives of this act; but agreements entered into by the predecessors of the agency prior to the effective date of this act shall continue to be subject to any restrictions on rate of return imposed by prior law unless those restrictions are expressly modified pursuant to regulations of the agency. No housing sponsor which is permitted by the provisions of the law under which it is organized or incorporated to earn a return on its investment, nor any of the principals or stockholders of that housing sponsor, shall earn, accept or receive a return on investment greater than the rate of return fixed by the agency in any housing project assisted with a loan from the agency, whether upon the completion of the construction, improvement or rehabilitation of the project, or upon the operation thereof, or upon the sale, assignment or

lease of the project to any other person, association or corporation. Any person, association or corporation who violates the provisions of this subsection is guilty of a crime of the fourth degree;

(7) No loan shall be executed except a loan made to a corporation or association organized not for profit which has as one of its purposes the development, construction, improvement or rehabilitation of housing projects or for mutual housing unless the housing sponsor agrees (a) to certify upon completion of project construction, improvement or rehabilitation, subject to audit by the agency, either that the actual project cost as defined herein exceeded the amount of the loan proceeds by 10% or more, or the amount by which the loan proceeds exceed 90% of the total project cost, and (b) to pay forthwith to the agency, for application to reduction of the principal of the loan, the amount, if any, of such excess loan proceeds, subject to audit and determination by the agency. No loan shall be made to a corporation or association organized not for profit or for mutual housing unless the corporation or association organized not for profit or for mutual housing agrees to certify the actual project cost upon completion of the project, subject to audit and determination by the agency, and further agrees to pay forthwith to the agency, for application to reduction of the principal of the loan, the amount, if any, by which the proceeds of the loan exceed the certified project cost subject to audit and determination by the agency. Notwithstanding the provisions of this paragraph, the agency may accept, in lieu of any certification of project cost as provided herein, such other assurances of the project cost in any form or manner whatsoever, as will enable the agency to determine with reasonable accuracy the amount of the project cost;

(8) No loan shall be made for the construction, improvement or rehabilitation of a housing project for which tax exemption is granted by a municipality unless the tax exemption remains in effect during the entire term of the loan, unless a lesser period of tax exemption is approved by the agency; and

(9) The loan shall be subject to an agreement between the agency and the qualified housing sponsor which contains a provision stating the prevailing wage rate, as determined by either the Commissioner of Labor and Industry or the Secretary of the United States Department of Labor in accordance with the provisions of section 42 of this act, which can be paid to the workmen employed in the performance of any contract for the construction or rehabilitation of any housing project, and which stipulates that the qualified housing sponsor, or any builder, contractor or subcontractor thereof, shall pay to such workmen not less than the applicable prevailing wage rate pursuant to that section.

b. As a condition of any loan to finance a housing project, the agency shall have the power at all times during the construction, improvement or rehabilitation of a housing project and the operation thereof:

(1) To enter upon and inspect without prior notice any project, including all parts thereof, for the purpose of investigating the physical and financial condition thereof, and its construction, improvement, rehabilitation, operation, management and maintenance, and to examine all books and records with respect to capitalization, income and other matters relating thereto and to make such charges as may be required to cover the cost of such inspections and examinations;

(2) To order such alterations, changes or repairs as may be necessary to protect the security of its investment in a housing project or the health, safety, and welfare of the occupants thereof;

(3) To order any managing agent, project manager or owner of a housing project to do such acts as may be necessary to comply with the provisions of all applicable laws or ordinances or any rule or regulation of the agency or the terms of any agreement concerning the project or to refrain from doing any acts in violation thereof and in this regard the agency shall be a proper party to file a complaint and to prosecute thereon for any violations of law or ordinances as set forth herein;

(4) To require the adoption and continuous use of uniform systems of accounts and records for a project and to require all owners or managers of a project to file annual reports containing that information and verified in such manner as the agency shall require, and to file at the times and on the forms as it may prescribe, reports and answers to specific inquiries required by the agency to determine the extent of compliance with any agreement, the terms of the loan, the provisions of this act and any other applicable law;

(5) To enforce, by court action if necessary, the terms and provisions of any agreement between the agency and the housing sponsor and the terms of any agreement between the housing sponsor and any municipality granting tax exemption, as to schedules of rental or carrying charges, income limits as applied to tenants or occupants, or any other limitation imposed upon the housing sponsor as to financial structure, construction or operation of the project;

(6) (a) Subject to the provisions of paragraph (7) of subsection b. of this section, in the event of a violation by the housing sponsor of the terms of any agreement between the agency and the housing sponsor, or between the municipality granting tax exemption and the housing sponsor, or in the event of a violation by the housing sponsor of this act or of the terms of the loan agreement or of any rules and regulations of the agency duly promulgated pursuant to this act, or in the event that the agency shall determine that any loan or

advance from the Housing Development Fund pursuant to section 30 of this act is in jeopardy of not being repaid, the agency may, without resort to any judicial process, assume all of the powers and duties of the housing sponsor in the management and operation of the project, including but not limited to the power to receive all revenues and pay all expenses of the project and the power to control all property, including bank accounts and cash, owned by the housing sponsor. The agency may appoint such person or persons whom the agency in its sole discretion deems advisable, including officers or employees of the agency, to perform the functions of the officers or other controlling persons of the housing sponsor. Persons so appointed need not be stockholders or meet other qualifications which may be prescribed by the certificate of incorporation, bylaws or partnership agreement of the housing sponsor. In the absence of fraud or bad faith, persons so appointed shall not be personally liable for debts, obligations or liabilities of the housing sponsor. Persons so appointed shall serve only for a period coexistent with the duration of the violation or until the agency is assured in a manner satisfactory to it that the violation, or violations of a similar nature, will not recur. Persons so appointed shall serve in such capacity without compensation, but shall be entitled to be reimbursed, if and as the certificate of incorporation, bylaws or partnership agreement of the housing sponsor may provide, for all necessary expenses incurred in the discharge of their duties as determined by the agency; and

(b) the provisions of section 18 of P.L. 1991, c. 431 (C.40A:20-18) concerning housing projects in financial difficulty shall not apply to housing projects financed by the agency; and

(7) The provisions of this subsection and this act pertaining to the regulation of housing sponsors shall be for purposes of protecting the collateral for any loan or loans; implementing or enforcing any condition, requirement or criterion for loans as provided in this act or other applicable law; and securing the rights and remedies of lenders and bond holders to the extent of the undertakings of the agency. Subject to the foregoing, the agency shall permit, provide for and encourage the right of local housing sponsors to exercise their own initiative and competence in the administration of their assets and the conduct and operation of housing projects and exercise their rights and responsibilities to the fullest extent permitted by law. Therefore, the agency shall exercise its remedies and powers under paragraph (6) of this subsection only with regard to material violations and only after reasonable notice and reasonable opportunity to correct the violation is provided to the housing sponsor in accordance with regulations adopted by the agency.

c. Notwithstanding any law, rule or regulation to the contrary, the provisions of paragraphs (5) and (6) of subsection a. of this section shall not be applicable to market rate units.

d. As used in this section, “market rate unit” means a housing unit for which occupancy is not subject to limitations based on tenant income.

11. This act shall take effect immediately.

Approved March 9, 2021.

CHAPTER 35

AN ACT concerning the level of allowable school district surplus following the COVID-19 pandemic.

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

1. Notwithstanding the provisions of section 7 of P.L.1996, c.138 (C.18A:7F-7), section 2 of P.L.1979, c.294 (C.18A:22-8.1), or any other section of law to the contrary, due to the financial impacts of COVID-19, a school district, other than a county vocational school district, may maintain for the 2020-2021 and 2021-2022 school years, an undesignated general fund balance of four percent of the budgeted general fund for the prebudget year, and the use or transfer of those funds between line items and program categories shall not require the approval of the Commissioner of Education.

2. This act shall take effect immediately.

Approved March 15, 2021.

CHAPTER 36

AN ACT concerning notification of foreclosure mediation and amending P.L.2019, c.64.

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

1. Section 3 of P.L.2019, c.64 (C.2A:50-76) is amended to read as follows:

C.2A:50-76 Written notice of eligibility to participate.

3. a. A homeowner-borrower shall receive written notice from the residential mortgage lender of the option to participate in the Foreclosure Mediation Program in accordance with the court rules, procedures, and guidelines adopted by the Supreme Court at the time the homeowner-borrower receives a notice of intention to foreclose, pursuant to section 4 of P.L.1995, c.244 (C.2A:50-56). Upon the filing of a mortgage foreclosure complaint against an eligible property, the homeowner-borrower shall again receive written notice of the option to participate in the Foreclosure Mediation Program in accordance with the court rules, procedures, and guidelines adopted by the Supreme Court.

b. The written notice required pursuant to this section shall be available in both English and Spanish, and shall alert the homeowner-borrower that:

(1) pursuant to subsection b. of section 4 of P.L.2019, c.64 (C.2A:50-77), obtaining the assistance of a trained foreclosure prevention and default mitigation counselor is a prerequisite to participation in mediation; and

(2) pursuant to subsection c. of section 4 of P.L.2019, c.64 (C.2A:50-77), the homeowner-borrower is not required to pay any fees in order to participate in mediation.

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

Approved March 15, 2021.

CHAPTER 37

AN ACT concerning claiming and proper disposal of the cremains of veterans and eligible spouses or dependents 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 2 of P.L.1983, c.385 (C.26:7-18.2) is amended to read as follows:

C.26:7-18.2 Disposition of unclaimed cremains.

2. a. Except as provided by subsection b. of this section, a person may dispose of the cremains of a dead human body which have not been claimed by a relative or friend of the deceased within one year from the date of cremation upon certification, to the commissioner's satisfaction, that a diligent effort has been made to identify, locate and notify a relative or friend of the deceased within that one-year period. A diligent effort shall include a certified letter, return receipt requested, mailed to the person who authorized the cremation.

As used in this section, "cremains" means that substance which remains after the cremation of a dead human body.

b. A funeral director, licensed pursuant to P.L.1952, c.340 (C.45:7-32 et seq.), shall grant a qualified veterans' organization the right to receive the cremains of a veteran, or the cremains of an eligible spouse or eligible dependent of a veteran, which have not been claimed by a relative or friend of the deceased within one year after cremation upon certification, to the commissioner's satisfaction, that a diligent effort, as defined in subsection a. of this section, has been made to identify, locate and notify a relative or friend of the deceased within that one-year period.

A qualified veterans' organization which takes possession of cremains pursuant to this section shall dispose of the cremains by scattering them at sea or by interring them on land in a dignified manner at the State-operated, Brigadier General William C. Doyle Veterans' Memorial Cemetery, a State-operated veterans' memorial cemetery, a national veterans' memorial cemetery, or a local veterans' memorial cemetery, if the individual is eligible for interment at those facilities.

As used in this section, "qualified veterans' organization" means a veterans' organization that qualifies as a section 501(c)(3) or 501(c)(19) tax exempt organization under the Internal Revenue Code, or a federally chartered Veterans' Service Organization.

c. A funeral home or mortuary, or an agent of the funeral home or mortuary, or a funeral director, or qualified veterans' organization, shall not be liable for damages in any civil action arising out of the disposal of cremains pursuant to this section unless the damages are the result of gross negligence or willful misconduct.

2. R.S.26:8-63 is amended to read as follows:

Free certified copies.

26:8-63. The State registrar shall:

a. Furnish a certification or certified copy of a birth, marriage, civil union, domestic partnership, fetal death or death certificate without fee in the prosecution of any claim for public pension or for military or naval enlistment purposes; and

b. Furnish the United States Public Health Service without expense to the State, microfilm or photocopy images of birth, marriage, civil union, domestic partnership, fetal death and death certificates without payment of the fees prescribed in this article; and

c. Furnish a certified transcript of any entry in the records of the New Jersey State census without fee for certification in the prosecution of any claim for public pension, for military or naval enlistment purposes; and

d. Furnish without fee upon request for administrative use by any city, State or federal agency a certified transcript of any New Jersey State census entry, or a certification or certified copy of a birth, death, fetal death, marriage, civil union or domestic partnership certificate; and

e. Furnish without fee upon request a certified copy of a veteran's death certificate to the veteran's legal representative, the executor or administrator of the veteran's estate, to a family member authorized to obtain a copy of the death certificate pursuant to subsection a. of R.S.26:8-62, or to a qualified veterans' organization which takes possession of a veteran's remains with the intention of properly disposing of them pursuant to section 2 of P.L.1983, c.385 (C.26:7-18.2). No more than one copy of a veteran's death certificate may be provided without fee pursuant to this subsection; all other copies of the death certificate shall be subject to the statutory fee; and

f. Furnish without fee upon request by a person who is homeless a certified copy of the person's birth certificate, provided that the person submits the request through a social worker or the coordinator of the emergency shelter for the homeless where the person is temporarily residing. The request shall be transmitted on the emergency shelter's letterhead and shall include the shelter's employer identification number and an attestation by the coordinator that the person requesting the certificate is currently homeless and residing at the shelter or the request shall be submitted on the social worker's agency or professional practice letterhead and shall include the agency's or the professional practice's employer identification number and an attestation by the social worker that the person requesting the certificate is currently homeless. A certified copy of a birth certificate furnished pursuant to this subsection shall be transmitted to the social worker or coordinator who transmitted the request. No more than one certified copy of a birth certificate

furnished to a person who is homeless pursuant to this subsection shall be provided without fee; all other copies of the birth certificate shall be subject to the statutory fee. On or before December 31 of each year, the State Registrar shall report to the Office of Homelessness Prevention in the Department of Community Affairs an accounting of each instance in which the State Registrar furnished without fee a certified copy of a person's birth certificate pursuant to this subsection.

As used in this section:

"Fee" includes, but is not limited to, any search, certification, processing, authentication, standard shipping, or other fees that would ordinarily be assessed to furnish a certified copy of a certificate or transcript; and

"Person who is homeless" means a person without a domicile who is unable to secure permanent and stable housing as determined by a social worker or the coordinator of an emergency shelter for the homeless established pursuant to P.L.1985, c.48 (C.55:13C-1 et seq.).

3. Section 2 of P.L.1989, c.135 (C.38A:3-2b1) is amended to read as follows:

C.38A:3-2b1 Transfer of remains.

2. The Division of Veterans' Services in the Department of Military and Veterans' Affairs is directed to establish a program to oversee the transfer of the remains of veterans, or the remains of eligible spouses or eligible dependents of veterans, from paupers' or potters' cemeteries to the Brigadier General William C. Doyle Veterans' Memorial Cemetery at the request of the veterans' next-of-kin, friends or fellow veterans. This service shall be provided without cost to the requester. As part of this program, the division shall also inform the general public that this service is available and explain the procedure for requesting that the remains be transferred to the Brigadier General William C. Doyle Veterans' Memorial Cemetery.

4. Section 2 of P.L.2009, c.14 (C.38A:3-2b4) is amended to read as follows:

C.38A:3-2b4 Unclaimed cremains, receipt by certain veterans' organization after one year.

2. a. A funeral director, licensed pursuant to P.L.1952, c.340 (C.45:7-32 et seq.), shall grant a qualified veterans' organization, as defined in subsection b. of section 2 of P.L.1983, c.385 (C.26:7-18.2), the right to receive the cremains of a veteran, or the cremains of an eligible spouse or eligible dependent of a veteran, which have not been claimed by a relative or friend of

the deceased within one year after cremation upon certification, to the satisfaction of the Commissioner of Health, that a diligent effort, as defined in subsection a. of section 2 of P.L.1983, c.385 (C.26:7-18.2), has been made to identify, locate and notify a relative or friend of the deceased within that one-year period, as provided under section 2 of P.L.1983, c.385 (C.26:7-18.2).

A qualified veterans' organization which takes possession of cremains pursuant to this section shall dispose of the cremains by scattering them at sea or by interring them on land in a dignified manner at the State-operated, Brigadier General William C. Doyle Veterans' Memorial Cemetery, a State-operated veterans' memorial cemetery, a national veterans' memorial cemetery, or a local veterans memorial cemetery, if the individual is eligible for interment at those facilities.

b. A funeral home or mortuary, or an agent of the funeral home or mortuary, or a funeral director, or qualified veterans' organization, shall not be liable for damages in any civil action arising out of the disposal of cremains pursuant to this section unless the damages are the result of gross negligence or willful misconduct.

5. This act shall take effect immediately.

Approved March 15, 2021.

CHAPTER 38

AN ACT concerning parental notification of minors' alcohol, marijuana, hashish, and cannabis use under certain circumstances and amending P.L.1979, c.264.

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

1. Section 1 of P.L.1979, c.264 (C.2C:33-15) is amended to read as follows:

C.2C:33-15 Possession, consumption by persons under legal age; penalty.

1. a. (1) Any person under the legal age to purchase alcoholic beverages, or under the legal age to purchase cannabis items, who knowingly possesses without legal authority or who knowingly consumes any alcoholic beverage,

cannabis item, marijuana, or hashish in any school, public conveyance, public place, or place of public assembly, or motor vehicle shall be subject to the following consequences:

(a) for a first violation, a written warning issued by a law enforcement officer to the underage person. The written warning shall include the person's name, address, and date of birth, and a copy of the warning containing this information, plus a sworn statement that includes a description of the relevant facts and circumstances that support the officer's determination that the person committed the violation, shall be temporarily maintained in accordance with this section only for the purposes of determining a second or subsequent violation subject to the consequences set forth in subparagraph (b) or (c) of this paragraph. If the violation of this section is by a person under 18 years of age, a written notification concerning the violation shall be provided to the parent, guardian or other person having legal custody of the underage person in accordance with section 3 of P.L.1991, c.169 (C.33:1-81.1a).

(b) for a second violation, a written warning issued by a law enforcement officer to the underage person indicating that a second violation has occurred, which includes the person's name, address, and date of birth. If the violation is by a person 18 years of age or older, the officer shall provide the person with informational materials about how to access community services provided by public or private agencies and organizations that shall assist the person with opportunities to access further social services, including but not limited to counseling, tutoring programs, mentoring services, and faith-based or other community initiatives. If the violation is by a person under 18 years of age, a written notification concerning the second violation shall be provided to the parent, guardian or other person having legal custody of the underage person in accordance with section 3 of P.L.1991, c.169 (C.33:1-81.1a). The written notification shall include the same or similar informational materials about how to access community services provided by public or private agencies and organizations as those provided directly by a law enforcement officer to a person 18 years of age or older who commits a second violation of this paragraph. A copy of the second written warning to the underage person, and, if applicable, the written notification to the parent, guardian or other person having legal custody of the underage person concerning the second warning, plus a sworn statement that includes a description of the relevant facts and circumstances that support the officer's determination that the person committed the second violation, shall be temporarily maintained in accordance with this section only for the purposes of determining a subsequent violation subject to the consequences set forth in subparagraph (c) of this paragraph.

(c) for a third or subsequent violation, a write-up issued by a law enforcement officer to the underage person indicating that a third or subsequent violation has occurred, which includes the person's name, address, and date of birth. If the violation is by a person 18 years of age or older, the officer shall include with the write-up a referral for accessing community services provided by a public or private agency or organization, and provide notice to that agency or organization of the referral which may also be used to initiate contact with the person, and the agency or organization shall offer assistance to the person with opportunities to access further social services, including but not limited to counseling, tutoring programs, mentoring services, and faith-based or other community initiatives. If the violation is by a person under 18 years of age, a written notification concerning the third or subsequent violation shall be provided to the parent, guardian or other person having legal custody of the underage person in accordance with section 3 of P.L.1991, c.169 (C.33:1-81.1a). The written notification shall include a referral for the person and the parent, guardian or other person having legal custody of the underage person for accessing community services provided by a public or private agency or organization, and provide notice to that agency or organization of the referral which may also then be used to initiate contact with both persons, and the agency or organization shall offer assistance to both with opportunities to access further social services, including counseling, tutoring programs, mentoring services, and faith-based or other community initiatives. A copy of a write-up for a third or subsequent violation, the written notification to the parent, guardian or other person having legal custody of the underage person, if applicable, and accompanying referrals, plus a sworn statement that includes a description of the relevant facts and circumstances that support the officer's determination that the person committed the third or subsequent violation, shall be temporarily maintained in accordance with this section only to the extent necessary to track referrals to agencies and organizations, as well as for the purposes of determining a subsequent violation subject to the consequences set forth in this subparagraph.

The failure of a person under the legal age to purchase alcoholic beverages or cannabis items, or the failure of a parent, guardian or other person having legal custody of the underage person, to accept assistance from an agency or organization to which a law enforcement referral was made, or to access any community services provided by that agency or organization shall not result in any summons, initiation of a complaint, or other legal action to be adjudicated and enforced in any court.

(2) (a) A person under the legal age to purchase alcoholic beverages or cannabis items is not capable of giving lawful consent to a search to determine a violation of this section, and a law enforcement officer shall not request that a person consent to a search for that purpose.

(b) The odor of an alcoholic beverage, marijuana, hashish, cannabis, or cannabis item, or burnt marijuana, hashish, cannabis, or cannabis item, shall not constitute reasonable articulable suspicion to initiate an investigatory stop of a person, nor shall it constitute probable cause to initiate a search of a person or that person's personal property to determine a violation of paragraph (1) of this subsection. Additionally, the unconcealed possession of an alcoholic beverage, marijuana, hashish, or cannabis item in violation of paragraph (1) of this subsection, observed in plain sight by a law enforcement officer, shall not constitute probable cause to initiate a search of a person or that person's personal property to determine any further violation of that paragraph or any other violation of law.

(3) A person under the legal age to purchase alcoholic beverages or cannabis items who violates paragraph (1) of this subsection for possessing or consuming an alcoholic beverage, marijuana, hashish, or a cannabis item shall not be subject to arrest, shall not be transported to a police station, police headquarters, or other place of law enforcement operations, and shall not otherwise be subject to detention or be taken into custody by a law enforcement officer at or near the location where the violation occurred, except to the extent that detention or custody at or near the location is required to issue a written warning or write-up, collect the information necessary to provide notice of a violation to a parent, guardian or other person having legal custody of the underage person in accordance with section 3 of P.L.1991, c.169 (C.33:1-81a), or make referrals for accessing community services provided by a public or private agency or organization due to a third or subsequent violation, unless the person is being arrested, detained, or otherwise taken into custody for also committing another violation of law for which that action is legally permitted or required.

(4) Consistent with the provisions of subsection c. of section 1 of P.L.2020, c.129 (C.40A:14-118.5), the video and audio recording functions of a law enforcement officer's body worn camera, as defined in that section, shall be activated whenever the law enforcement officer is responding to a call for service related to a violation or suspected violation of paragraph (1) of this subsection for possessing or consuming an alcoholic beverage, marijuana, hashish, or a cannabis item, or at the initiation of any other law enforcement or investigative encounter between an officer and a person related to a violation or suspected violation of that paragraph, and shall remain activated until the encounter has fully concluded and the officer leaves the scene of the encounter; provided,

however, that the video and audio recording functions of a body worn camera shall not be deactivated pursuant to subparagraph (a) of paragraph (2) of subsection c. of P.L.2020, c.129 (C.40A:14-118.5), based on a request to deactivate the camera by a person who is the subject of a responsive call for service or law enforcement or investigative encounter related to a violation or suspected violation of paragraph (1) of this subsection.

(5) As part of the process for the issuance of a written warning or write-up to a person for a violation of paragraph (1) of this subsection, the law enforcement officer shall take possession of any alcoholic beverage, marijuana, hashish, or cannabis item from the person, and any drug or cannabis paraphernalia for use with any marijuana, hashish, or cannabis item. The existence and description of the alcoholic beverage, marijuana, hashish, or cannabis item, and any drug or cannabis paraphernalia shall be included in the sworn statement that includes a description of the relevant facts and circumstances that support the officer's determination that the person committed a violation, and which record is temporarily maintained in accordance with this section to determine subsequent possession or consumption violations, and track referrals for accessing community services provided by a public or private agency or organization due to a third or subsequent violation. Any alcoholic beverage, marijuana, hashish, cannabis item, or drug or cannabis paraphernalia obtained by the law enforcement officer shall either be destroyed or secured for use in law enforcement training or educational programs in accordance with applicable law and directives issued by the Attorney General.

(6) With respect to any violation of paragraph (1) of this subsection concerning the possession or consumption of an alcoholic beverage, marijuana, hashish, or any cannabis item:

(a) a person under the legal age to purchase alcoholic beverages or cannabis items shall not be photographed or fingerprinted, notwithstanding any provisions of section 2 of P.L.1982, c.79 (C.2A:4A-61) to the contrary;

(b) (i) any copy of any written warning or write-up issued to a person under the legal age to purchase alcoholic beverages or cannabis items, written notification provided to the person's parent, guardian or other person having legal custody in accordance with section 3 of P.L.1991, c.169 (C.33:1-81.1a), sworn statement describing the relevant facts and circumstances that support an officer's determination that a person committed a violation, or referrals for accessing community services provided by a public or private agency or organization pertaining to a third or subsequent violation shall be segregated and maintained in a separate physical location or electronic repository or database from any other records maintained by a law enforcement agency, and reported to the Attorney General in a manner so that they are similarly segregated and

maintained in a separate physical location or electronic repository or database from other law enforcement records accessible to the Attorney General and State and local law enforcement agencies, and shall not be transferred to or copied and placed in any other physical location or electronic repository or database containing any other law enforcement records. These records shall only be used to the extent necessary to determine a subsequent violation of paragraph (1) of this subsection or to track referrals to agencies and organizations, and shall not be revealed, reviewed, or considered in any manner with respect to any current or subsequent juvenile delinquency matter, including but not limited to, a charge, filing, eligibility or decision for diversion or discharge, or sentencing, other disposition, or related decision affecting the juvenile, or with respect to any current or subsequent prosecution for committing an offense or other violation of law, including but not limited to, a charge, filing, eligibility or decision for diversion or discharge, or sentencing, other disposition, or related decision affecting an adult under 21 years of age. Also, these records shall be deemed confidential and shall not be subject to public inspection or copying pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.), and their existence shall not be acknowledged based upon any inquiry in the same manner as if the records were expunged records pursuant to the provisions of subsection a. of N.J.S.2C:52-15.

The Attorney General may use the records described herein to generate the number of occurrences and other statistics concerning first, second, third and subsequent violations of paragraph (1) of this subsection, the municipal, county or other geographic areas within which first, second, third and subsequent violations occur, and the law enforcement agencies involved in first, second, third and subsequent violations, which are to be compiled and made available by the Attorney General in accordance with section 4 of P.L.2021, c.25 (C.2C:33-15.1). The identity of any person named in a record shall not be revealed or included in the information to be compiled and made available in accordance with that section.

The records of violations shall only be maintained temporarily and shall be destroyed or permanently deleted as set forth in subparagraph (c) of this paragraph.

(ii) any records pertaining to a person's acceptance of assistance from an agency or organization to which a law enforcement referral was made shall not be revealed, reviewed, or considered in any manner with respect to any current or subsequent juvenile delinquency matter, including but not limited to, a charge, filing, eligibility or decision for diversion or discharge, or sentencing, other disposition, or related decision affecting the juvenile, or with respect to any current or subsequent prosecution for committing an offense

or other violation of law, including but not limited to, a charge, filing, eligibility or decision for diversion or discharge, or sentencing, other disposition, or related decision affecting an adult under 21 years of age. Also, these records shall be deemed confidential and shall not be subject to public inspection or copying pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.), and their existence shall not be acknowledged based upon any inquiry in the same manner as if the records were expunged records pursuant to the provisions of subsection a. of N.J.S.2C:52-15.

(c) All of the records maintained by a law enforcement agency and reported to the Attorney General as described in subsubparagraph (i) of subparagraph (b) of this paragraph shall be destroyed or permanently deleted by the law enforcement agency and Attorney General on the second anniversary following the creation of the record concerning a violation, or not later than the last day of the month in which that second anniversary date falls, or alternatively not later than the 21st birthday of a person who is the subject of a record, or not later than the last day of the month in which that birthday falls, whichever date occurs sooner, except that a record shall be maintained upon request by the person named in the record or representative thereof, the law enforcement officer who made the record, or the law enforcement agency currently maintaining the record if it involves a lawsuit, disciplinary complaint, or criminal prosecution arising from the violation described in the record, based on an assertion that the record has evidentiary or exculpatory value. Upon final disposition of the matter for which the extended record retention was requested, the record shall be destroyed or permanently deleted.

(d) A law enforcement officer shall be guilty of the crime of official deprivation of civil rights as set forth in section 3 of P.L.2021, c.25 (C.2C:30-6.1) for violating the provisions of paragraph (1) of this subsection that address law enforcement actions involving persons who are under the legal age to purchase alcoholic beverages or cannabis items.

b. (Deleted by amendment, P.L.2021, c.25)

c. (Deleted by amendment, P.L.2021, c.25)

d. Nothing in this act shall apply to possession of alcoholic beverages by any such person while actually engaged in the performance of employment pursuant to an employment permit issued by the Director of the Division of Alcoholic Beverage Control, or for a bona fide hotel or restaurant, in accordance with the provisions of R.S.33:1-26, or while actively engaged in the preparation of food while enrolled in a culinary arts or hotel management program at a county vocational school or post-secondary educational institution; and nothing in this section shall apply to possession

of cannabis items by any such person while actually engaged in the performance of employment by a cannabis establishment, distributor, or delivery service as permitted pursuant to the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act,” P.L.2021, c.16 (C.24:6I-31 et al.).

e. Except as otherwise provided in this section, the provisions of section 3 of P.L.1991, c.169 (C.33:1-81.1a) shall apply to a parent, guardian or other person with legal custody of a person under 18 years of age who is found to be in violation of this section.

f. An underage person and one or two other persons shall be immune from prosecution under this section if:

(1) one of the underage persons called 9-1-1 and reported that another underage person was in need of medical assistance due to alcohol consumption, or the consumption of marijuana, hashish, or a cannabis item;

(2) the underage person who called 9-1-1 and, if applicable, one or two other persons acting in concert with the underage person who called 9-1-1 provided each of their names to the 9-1-1 operator;

(3) the underage person was the first person to make the 9-1-1 report; and

(4) the underage person and, if applicable, one or two other persons acting in concert with the underage person who made the 9-1-1 call remained on the scene with the person under the legal age in need of medical assistance until assistance arrived and cooperated with medical assistance and law enforcement personnel on the scene.

The underage person who received medical assistance also shall be immune from prosecution under this section.

g. For purposes of this section, an alcoholic beverage includes powdered alcohol as defined by R.S.33:1-1, a cannabis item includes any item available for lawful consumption pursuant to the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act,” P.L.2021, c.16 (C.24:6I-31 et al.), and the terms “marijuana” and “hashish” have the same meaning as set forth in N.J.S.2C:35-2, and the terms “drug paraphernalia” and “cannabis paraphernalia” have the same meaning as set forth in N.J.S.2C:36-1 and section 3 of P.L.2021, c.16 (C.24:6I-33), respectively.

2. This act shall take effect immediately.

Approved March 26, 2021.

CHAPTER 39

AN ACT concerning contributions to the unemployment compensation fund by employee leasing companies and amending P.L.2013, c.225.

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

1. Section 3 of P.L.2013, c.225 (C.43:21-7.8) is amended to read as follows:

C.43:21-7.8 Responsibilities of employee leasing company.

3. a. For purposes of the "unemployment compensation law," R.S.43:21-1 et seq., a covered employee is an employee of the employee leasing company. An employee leasing company is responsible for the payment of contributions, surcharges, penalties, and interest assessed under the "unemployment compensation law," R.S.43:21-1 et seq. on wages paid by the employee leasing company to the covered employees during the term of the employee leasing agreement. An employee leasing company shall use the Entity Level Reporting Method to report and pay all required contributions to the unemployment compensation fund as required by R.S.43:21-7, unless the employee leasing company elects the Client Level Reporting Method under subsection c. of this section. An employee leasing company that does not initially elect the Client Level Reporting Method under subsection c. may subsequently elect the Client Level Reporting Method. An employee leasing company which, at sometime after the enactment of this act, elects to use the Client Level Reporting Method may switch back to the Entity Level Reporting Method in the future, but only with the approval of the department, which may not be granted to that employee leasing company more than one time. An employee leasing company and any related "controlled group of corporations" as that term is defined in section 1563 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.1563 shall use the same reporting method for all clients.

b. The Entity Level Reporting Method uses the State employer account number and contribution rate of the employee leasing company to report and pay all required contributions to the unemployment compensation fund as required by R.S.43:21-7 relating exclusively to covered employees. The following provisions apply to an employee leasing company that reports under the Entity Level Reporting Method:

(1) The employee leasing company shall file all quarterly contribution and wage reports in accordance with R.S.43:21-7 using the state tax identification

number and the contribution rate of the employee leasing company as determined under the "unemployment compensation law," R.S.43:21-1 et seq.;

(2) The employee leasing company and its client are subject to the provisions of R.S.43:21-7(c)(7), irrespective of whether there is common ownership, as follows:

(a) On July 1 of the year following the effective date of the employee leasing agreement, the department shall transfer the employment experience of the client company to the employee leasing company as a successor in interest, including any credit for past years, contributions paid, annual payrolls, or benefit charges applicable to the client company. The employee leasing company, however, upon the effective date of the employee leasing agreement, shall immediately receive credit for prior contributions paid on behalf of and relating to the covered employees by the client company or, if applicable, another employee leasing company, against wages in the tax year in which the employee leasing agreement begins and shall be immediately subject to the existing rate of the employee leasing company. The department shall provide to the employee leasing company, within 15 days of request, any data related to the client's prior unemployment insurance history, including but not limited to, contributions paid, annual payrolls and benefit charges, on or after the effective date of the employee leasing agreement.

(b) Upon dissolution of an employee leasing agreement, the department shall transfer all of the employment experience of the client company relating to covered employees as a successor in interest from the employee leasing company, including any credit for past years, contributions paid, annual payrolls, or benefit charges applicable to the client company. The employee leasing company shall provide the department with the data the department deems necessary to make that transfer.

(c) On the first July 1 following the termination of an employee leasing agreement, the department shall transfer the employment experience relating to the client company to the succeeding employee leasing company, if any, as a successor in interest, including any credit for past years, contributions paid, annual payrolls, or benefit charges applicable to the client company. The successor employee leasing company, however, upon the effective date of the employee leasing agreement, shall immediately receive credit for prior contributions paid on behalf of and relating to the covered employees by the predecessor employee leasing company, against wages in the tax year in which the new employee leasing agreement begins and the balance of wages due in the tax year shall be immediately subject to the existing rate of the successor employee leasing company. The department shall provide to either

employee leasing company, within 15 days of a written request, any data related to the client company's prior unemployment insurance history, including but not limited to, contributions paid, annual payrolls and benefit charges, on or after the effective date of the employee leasing agreement;

(3) Whenever the employee leasing company enters into an employee leasing agreement with a client company, the employee leasing company shall notify the department not later than 30 days after the end of the quarter in which the employee leasing agreement became effective; and

(4) The employee leasing company shall notify the department in writing on forms prescribed by the department not later than 30 days after the date of the following:

(a) The termination of an employee leasing agreement; or

(b) The employee leasing company elects the Client Level Reporting Method under subsection c. of this section.

Upon dissolution of an employee leasing agreement: the client company's contribution rate and benefit experience shall be determined in accordance with subsection b. of section 7 of P.L.2001, c.260 (C.34:8-73); and the employee leasing company shall provide the department with the information required by subsection b. of section 7 of P.L.2001, c.260 (C.34:8-73).

c. (1) An employee leasing company may elect to use the Client Level Reporting Method, using the state employer account, account number and contribution rate of the client company to report and pay all required contributions to the unemployment compensation fund as required by R.S.43:21-7 relating exclusively to covered employees.

(2) An employee leasing company doing business in New Jersey as of the effective date of this act shall make the election to use the Client Level Reporting Method in writing to the department not later than:

(a) 60 days after the effective date of this act for reporting and payment of contributions under the "unemployment compensation law," R.S.43:21-1 et seq., for the 2014 calendar year; or

(b) September 30, 2014, for reporting and payment of contributions under the "unemployment compensation law," R.S.43:21-1 et seq., effective no later than July 1, 2015.

An employee leasing company not doing business in New Jersey or not registered pursuant to P.L.2001, c.260 (C.34:8-67 et seq.) as of the effective date of this act shall, if it so desires, make the election to use the Client Level Reporting Method and notify the department in writing of that election at the time of registration.

(3) An employee leasing company which uses the Entity Level Reporting Method may subsequently elect the Client Level Reporting Method, subject to the provisions of this section, including the following requirements:

(a) The employee leasing company shall make the election to use the Client Level Reporting Method not later than December 1 of the calendar year before the calendar year in which the election is to be effective;

(b) The election shall be made in a written notice submitted to the department; and

(c) The election shall be effective for the calendar year immediately following the year in which the department receives the notice of election.

(4) The following apply to an employee leasing company that elects to use the Client Level Reporting Method:

(a) Whenever the employee leasing company enters into an employee leasing agreement with a client company, the employee leasing company shall notify the department not later than 30 days after the end of the quarter in which the employee leasing agreement became effective;

(b) An employee leasing company reporting under the Entity Level Reporting Method which elects, in writing, to report under the Client Level Reporting Method shall, within 30 days, provide any data which the department deems necessary to the department to enable the department to calculate the benefit experience rate of each client company;

(c) If a client company is an employing unit when the employee leasing agreement becomes effective, the employee leasing company shall use the client company's account, account number, experience rate, liabilities, and wage credits to file quarterly wage reports and remit payment for taxes associated with those wages;

(d) Unless contrary to applicable law, if a client company is not an employing unit on the date the employee leasing agreement becomes effective, the client company immediately qualifies for an employer experience account under R.S.43:21-7 and is subject to section 1 of P.L.1992, c.202 (C.43:21-7.7) for purposes of establishing an initial contribution rate and the employee leasing company shall use the client company's account and account number to file quarterly wage reports and remit payment for taxes associated with those wages; and

(e) Upon the dissolution of an employee leasing agreement, the client company shall retain the experience balance, liabilities, and wage credits for the client company's employing unit account.

d. For the purposes of this section, the client company which reports under the Entity Level Reporting Method or the Client Level Reporting Method, and not the employee leasing company, shall remain solely liable

for any and all liabilities which originated or preceded the effective date of the employee leasing agreement.

Regardless of the reporting method utilized by an employee leasing company, either the employee leasing company or the client can hold the short term private or public disability insurance policy covering the covered employees.

e. For the purposes of this section:

(1) The term "Client Level Reporting Method" has the meaning set forth in subsection c. of this section;

(2) The term "Entity Level Reporting Method" has the meaning set forth in subsection b. of this section; and

(3) The terms "client company," "covered employee," "employee leasing agreement" or "professional employer agreement," and "employee leasing company" or "professional employer organization" have the meanings set forth in section 1 of P.L.2001, c.260 (C.34:8-67).

2. This act shall take effect on January 1, 2021.

Approved March 26, 2021.

CHAPTER 40

AN ACT requiring early voting to be available for certain elections, amending various parts of the statutory law, supplementing Title 19 of the Revised Statutes, and making an appropriation.

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

C.19:15A-1 Early voting.

1. a. In addition to all other forms of voting provided for by this Title, a registered voter shall be permitted to vote at a specially designated polling place before the day of certain primary and general elections in this State. This procedure shall be known as early voting. The early voting period shall:

(1) start on the 4th calendar day before a non-presidential primary election for a non-presidential general election and end on the second calendar day before that non-presidential primary election;

(2) start on the 6th calendar day before a presidential primary election for a presidential general election and end on the second calendar day before that presidential primary election; or

(3) start on the 10th calendar day before a general election and end on the second calendar day before that general election.

The voting process during the early voting period shall be conducted using electronic poll books and optical-scan voting machines that read hand-marked paper ballots or other voting machines that produce a voter-verifiable paper ballot. Any municipality conducting regular municipal elections in May pursuant to the provisions of the "Uniform Nonpartisan Elections Law," P.L.1981, c.379 (C.40:45-5 et seq.), may, by an ordinance adopted by its governing body, also conduct early voting for the regular municipal election, in accordance with the provisions of this act, P.L.2021, c.40 (C.19:15A-1 et al.). If adopted by a municipal governing body, the early voting period for a regular municipal election in May shall start on the 4th calendar day before the regular municipal election and end on the second calendar day before that regular municipal election. An early voting period shall only be permitted for a non-presidential or presidential primary election and a general election in this State and, if adopted by a municipal governing body, a regular municipal election conducted in May. Pursuant to the provisions of this act and Title 19 of the Revised Statutes and in accordance with procedures that may be established by the Secretary of State for verifying eligible voters, each county board of elections shall verify that a registered voter is qualified to vote in the election and shall prescribe the manner by which a registered voter may vote during such period.

b. (1) For the primary and the general election, each county board of elections shall designate at least three, but not more than five, public locations within each county as the sites for early voting to occur, except that the county board shall designate at least five, but not more than seven, public locations for early voting if the number of registered voters in the county is at least 150,000 but less than 300,000, and shall designate at least seven, but not more than 10, public locations for early voting if the number of registered voters in the county is 300,000 or more. This provision shall not be interpreted to prevent county boards of elections, at their discretion, from establishing additional locations in excess of the five, seven, or 10 location limits respectively set forth herein; provided, however, that the State shall be required to provide reimbursement for the costs of locations up to and including the five, seven, or 10 respective limits established herein, and shall not be required to provide reimbursement for additional locations beyond those limits under section 6 of this act, P.L.2021, c.40 (C.19:15A-6). The number of registered voters in each county shall be determined ahead of the selection of early voting sites pursuant to a uniform standard which shall be developed by the Secretary of State through the rulemaking process pursuant to the "Ad-

ministrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.). Whenever possible, early voting locations shall be geographically located so as to ensure both access in the part of the county that features the greatest concentration of population, according to the most recent federal decennial census of the United States, and access in various geographic areas of the county. All early voting locations shall be public facilities, such as county courthouses, public libraries and the offices of the municipal clerk, county clerk, and county board of elections, or places of public accommodation as provided under Title 10 of the Revised Statutes. No public school building and no building used as a public school, as that term is defined under N.J.S.18A:1-1, shall, however, be designated as an early voting location. The locations shall be designated at the same time as all other polling places are designated by the board of elections. In the event of a tie vote among members of the county board with respect to the selection of sites for early voting, the county clerk shall cast the deciding vote. Once early voting locations are designated in each county, county boards of election shall evaluate and, if deemed necessary, revise these locations in order to accommodate significant changes in the number of registered voters within each county, reflect the population distribution and density within each county, or because of similar circumstances. The Secretary of State may develop the criteria to be used by county boards of election to revise the location of early voting sites and shall prescribe how often such revision shall take place.

A voter shall be permitted to vote at any early voting site in the voter’s county.

(2) Whenever a municipality that conducts regular municipal elections in May chooses to participate in early voting for the regular municipal election, the county board of elections shall designate at least one public location, but not more than three public locations, within the municipality as the site or sites for early voting to occur. This provision shall not be interpreted to prevent a county board of elections, at its discretion, from establishing additional locations in excess of the three location limit set forth herein; provided, however, that the State shall be required to provide reimbursement for the costs of locations up to and including the three location limit established herein, and shall not be required to provide reimbursement for additional locations beyond that limit under section 6 of this act, P.L.2021, c.40 (C.19:15A-6). Whenever possible, each such location shall be geographically located in the part of the municipality that features the greatest concentration of population, according to the most recent federal decennial census of the United States. All early voting locations shall be public facilities, such as municipal courthouses and the offices of the municipal clerk, or places of public accommodation as provided

under Title 10 of the Revised Statutes. No public school building and no building used as a public school, as that term is defined under N.J.S.18A:1-1, shall be designated as an early voting location. The locations shall be designated at the same time as all other polling places are designated by the board of elections. In the event of a tie vote among members of the county board with respect to the selection of sites for early voting, the municipal clerk shall cast the deciding vote. Once early voting locations are designated in each municipality, county boards of election shall evaluate and, if deemed necessary, revise these locations in order to accommodate significant changes in the number of registered voters within each municipality, reflect the population distribution and density within each municipality, or because of similar circumstances. The Secretary of State may develop the criteria to be used by county boards of election to revise the location of early voting sites and shall prescribe how often such revision shall take place.

A voter shall be permitted to vote at any early voting site in the voter's municipality.

c. Each early voting site in a county or municipality shall be open for early voting on Monday through Saturday from at least 10 AM to 8 PM, and on Sunday from at least 10 AM to 6 PM. Any voter who is on line at the time scheduled for the closing of an early voting site shall be permitted to vote.

d. The election officers responsible for conducting early voting shall be the same as those responsible for conducting a primary and a general election, as appropriate, pursuant to this Title. The number of such officers and their hours of service shall be as determined by each county board of elections. The compensation for such officers shall be the same as provided to district board of election members serving at a school election pursuant to R.S.19:45-6, or that required pursuant to Article I, paragraph 23 of the New Jersey Constitution, whichever is greater.

e. The restrictions governing the conduct of voters at a polling place on the days that early voting occurs, the procedures governing who is permitted in a polling place on such occasions and the prohibition on electioneering within 100 feet of a polling place during an election, shall be as provided in chapters 15, 34, 50 and 52 of Title 19 of the Revised Statutes and every other applicable section of this Title.

f. In real time using the electronic poll books each day during the early voting period, and prior to the start of each regularly scheduled primary and general election, and regular municipal election in each non-partisan municipality choosing to participate in early voting, each county board shall make such changes as may be necessary to the voter's record in the Statewide voter

registration system to indicate that a voter has voted in that election using the early voting procedure.

g. (1) Each county board shall be responsible for forming and executing a written plan to ensure, to the greatest extent possible, the integrity of the voting process and the security of ballots used during the early voting period, including the security of voting machines, voted ballots, and election records. The plan shall be based on guidelines established by the Secretary of State and shall be submitted thereto no later than December 15 of each year. The Secretary of State shall review and, if deemed necessary thereby, require changes to a plan no later than February 1 of each year. Each plan shall specify a chain of custody and security plan for the voting machines, and a chain of custody for the voted ballots and election records and materials, and shall require, among other specifications deemed necessary by the Secretary of State and county boards of election, that all voted ballots shall be transferred at the end of each early voting day to county boards of election for safekeeping. After the voted ballots are transferred to the county board of elections at the end of each early voting day, a county board may elect to impound those voted ballots on a secure server, or by any other means deemed appropriate by the Secretary of State. The voted ballots shall not be canvassed until the closing of the polls on election day as required pursuant to section 4 of this act, P.L.2021, c.40 (C.19:15A-4). The results of the voted ballots cast during early voting shall remain confidential and shall be disclosed only in accordance with the provisions of Title 19 of the Revised Statutes, regulations, and guidelines concerning the disclosure of election results, and a violation shall be subject to the penalties established by law.

(2) Notwithstanding the provisions of this subsection, in the year in which P.L.2021, c.40 (C.19:15A-1 et al.) becomes law, each county board shall submit its plan to the Secretary of State within 30 days following the effective date of this act and the Secretary of State shall review it and, if deemed necessary thereby, require changes in the plan within 45 days following the effective date of this act.

h. Each county board shall make certain that each polling place used for early voting shall be accessible to individuals with disabilities and the elderly, in compliance with the "Americans with Disabilities Act of 1990" (42 U.S.C. s.12101 et seq.), and that each polling place provides such voters, including the blind and visually impaired, the same opportunity for access and participation, including privacy and independence, as other voters in compliance with the "Help America Vote Act of 2002" (42 U.S.C. s.15481).

i. The Secretary of State shall establish a printing on demand ballot and elections system. At a minimum, the system shall be compatible with the

Statewide voter registration system established pursuant to section 1 of P.L.2005, c.145 (C.19:31-31) and any electronic poll books provided by section 1 of P.L.2019, c.80 (C.19:31-35). Each polling place used for early voting shall have a computer, tablet, or other electronic device to print provisional ballots for voters required to vote by provisional ballot in accordance with the provisions of Title 19 of the Revised Statutes or due to an equipment malfunction as further provided under section 3 of P.L.2019, c.80 (C.19:31-37), or any other election related material, if needed. A computer, tablet, or other electronic device and the printer used to print election materials at a polling place shall not be used unless it has been certified by the Secretary of State. The Secretary of State shall adopt and publish standards and regulations governing the certification and use of computer, tablets, or other electronic devices and printers to print election materials at each polling place used for early voting. The Secretary of State shall not certify a computer, tablet, or other electronic device or printer unless it is in compliance with the secretary's standards.

j. Each polling place used for early voting shall also have such appropriate supplies, ballots and other materials deemed necessary by the Secretary of State or as is required currently for a polling place on the day of any election by Title 19 of the Revised Statutes.

C.19:15A-2 Appointment of challengers for early voting.

2. a. The appointment of challengers for early voting shall be in the following manner:

(1) The chairperson of the county committee of any political party that has duly nominated any candidate for public office to be voted for at an election by all the voters within the county or any political division thereof greater than a single municipality, or where the election is within and for a single municipality only, or any subdivision thereof, then the chairperson of the municipal committee of the political party making such nomination within and for such single municipality, or subdivision thereof, may appoint two challengers for each grouping of candidates choosing to be grouped together on the ballot for each early voting site in the chairperson's county or municipality, as the case may be. If two or more candidates choosing to be grouped together on the ballot do not belong to an organization represented by a county or municipal committee of any political party, as the case may be, the candidate listed on the highest position on the ballot for that grouping of candidates may appoint two challengers for that grouping of candidates for each early voting site in the county or municipality, as the case may be.

(2) A candidate who has filed a petition for an office to be voted for at the primary election, and a candidate for an office whose name may appear upon

the ballot to be used in any election, may act as a challenger. A candidate who is not grouped with any other candidate on the ballot may appoint two challengers for each early voting site at which the candidate is to appear on the ballot, but only two challengers shall be allowed for each early voting site to represent all the candidates choosing to be grouped together on the ballot.

(3) Whenever a public question shall appear on the ballot to be voted upon by the voters of an election district and application has been made by the proponents or opponents of such public question for the appointment of challengers, the county board may in its discretion appoint two challengers each to represent such proponents or opponents at each early voting site.

b. Not more than the challengers authorized pursuant to paragraphs (1) through (3) of subsection a. of this section shall be present at any one time in any early voting site while serving and exercising the powers of a challenger and during the hours when the polls are open for early voting.

c. The name and address of each challenger, including a candidate acting as a challenger or a challenger representing a grouping of two or more candidates, together with the number or name and location of the early voting site at which the challenger is to serve, shall be filed with the county board of elections not later than the fifth day preceding the start of the early voting period.

d. Each challenger, including a candidate acting as a challenger or a challenger representing a grouping of two or more candidates, shall have all of the powers of challengers serving at other elections, as provided for in R.S.19:7-5 and by R.S.19:15-1 et seq.

e. Any voter whose name does not appear on a challenge list but who is challenged as not qualified or entitled to vote by a challenger duly appointed pursuant to this section shall be entitled to the rights and protections provided by R.S.19:15-18 et seq., and every other applicable section of this Title.

C.19:15A-3 Information available to the public.

3. During each early voting period, the county board shall make available to the public a tally of the total number of voters who have cast a ballot at each early voting location during the previous day. The county boards shall prepare an electronic data file listing the names of the individual voters who cast a ballot during the early voting period. This information shall be made available to the public in an electronic format pursuant to rules adopted by the county board and subject to review each year by the Secretary of State. The information shall be updated and made available to the public no later than noon of each day during the early voting period and shall at the same time be provided to the clerk of the county in which early voting is occurring and to the Secretary of State.

C.19:15A-4 Early votes canvassed after closing of polls on day of election.

4. An early vote cast in an election, as provided for in this act, P.L.2021, c.40 (C.19:15A-1 et al.), shall not be canvassed prior to the closing of the polls on the day of an election.

Every provisional ballot voted in each such election and determined by a county board to be valid shall be counted and shall be part of the official tally of the results of the election.

C.19:15A-5 Published information concerning early voting procedure.

5. In addition to any publications required under Title 19 of the Revised Statutes, the Secretary of State and each county board of elections shall cause to be published information concerning the early voting procedure on the Department of State's website and on each county's website. The early voting information shall include, but may not be limited to, a notice to the public concerning their eligibility to participate in early voting, the duration of the early voting period, and the locations and hours of operation of specially designated polling places for early voting in each county.

C.19:15A-6 Reimbursement for local governing body.

6. In compliance with the provisions of Article VIII, Section II, paragraph 5 of the New Jersey Constitution, upon application for reimbursement by a county governing body or a municipal governing body, as may be appropriate, to the Secretary of State and approval of the application by the Director of the Division of Budget and Accounting in the Department of the Treasury, a county or municipality shall be reimbursed by the State for any additional costs incurred by the county or municipality as a result of the provisions of this act, P.L.2021, c.40 (C.19:15A-1 et al.).

C.19:15A-7 Adjustments to regulations, new regulations.

7. The Secretary of State is hereby authorized to make such adjustments to regulations issued pursuant to Title 19 of the Revised Statutes and to issue any new regulations as may be necessary to effectuate the purposes of this act, which regulations shall be effective immediately upon filing with the Office of Administrative Law for a period not to exceed 18 months, and may, thereafter, be amended, adopted or readopted in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

8. R.S.19:12-7 is amended to read as follows:

Publication of notice of election.

19:12-7. a. The county board in each county shall cause to be published in a newspaper or newspapers which, singly or in combination, are of general circulation throughout the county, a notice containing the information specified in subsection b. hereof, except for such of the contents as may be omitted pursuant to subsection c. or d. hereof. Such notice shall be published once during the 30 days next preceding the day fixed for the closing of the registration books for the primary election, once during the calendar week preceding the week in which the early voting period for the primary election for the general election begins, once during the 30 days next preceding the day fixed for the closing of the registration books for the general election, and once during the calendar week preceding the week in which the early voting period for the general election begins.

b. Such notice shall set forth:

(1) For the primary election for the general election:

(a) That a primary election for making nominations for the general election, for the selection of members of the county committees of each political party, and in each presidential year for the selection of delegates and alternates to national conventions of political parties, will be held on the day and between the hours provided for by or pursuant to this Title, and the days, hours, and places at which early voting shall be available in the county.

(b) The place or places at which and hours during which a person may register, the procedure for the transfer of registration, and the date on which the books are closed for registration or transfer of registration.

(c) The several State, county, municipal and party offices or positions to be filled, or for which nominations are to be made, at such primary election.

(d) The existence of registration and voting aids, including: (i) the availability of registration and voting instructions at places of registration as provided under R.S.19:31-6; and (ii), if available, the accessibility of voter information to the deaf by means of a telecommunications device.

(e) The availability of assistance to a person unable to vote due to blindness, disability or inability to read or write.

(f) In the case of the notice published during the calendar week preceding the week in which the early voting period for the primary election begins, that a voter who, prior to the election, shall have moved within the same county without (i) filing, on or before the 21st day preceding the election, a notice of change of residence with the commissioner of registration of the county or the municipal clerk of the municipality in which the voter resides on the day of the election, (ii) returning the confirmation notice sent to the voter by the commissioner of registration of the county, if such a notice has

been sent to the voter, or (iii) otherwise notifying the commissioner of registration of the voter's change of address within the county shall be permitted to correct the voter's registration and to vote in the primary election by provisional ballot at the polling place of the district in which the voter resides on the day of the election. The notice shall further provide that the voter may contact the county commissioner of registration or municipal clerk or may view polling place location information on the Division of Elections website to determine the proper polling place location for the voter.

(2) For the general election:

(a) That a general election will be held on the day and between the hours provided for by or pursuant to this Title, and the days, hours and places at which early voting shall be available in the county, and, where applicable, shall include annual school elections and annual fire district elections held on that date.

(b) The place or places at which and hours during which a person may register, the procedure for transfer of registration, and the date on which the books are closed for registration or transfer of registration.

(c) The several State, county and municipal offices, and where applicable, school board offices and fire district offices to be filled, notice of any school district propositions to be submitted to the people and, except as provided in R.S.19:14-33 of this Title as to publication of notice of any Statewide proposition directed by the Legislature to be submitted to the people, the State, county, municipal and fire district public questions to be voted upon at such general election.

(d) The existence of registration and voting aids, including: (i) the availability of registration and voting instructions at places of registration as provided under R.S.19:31-6; and (ii) the accessibility of voter information to the deaf by means of a telecommunications device.

(e) The availability of assistance to a person unable to vote due to blindness, disability or inability to read or write.

(f) In the case of the notice published during the calendar week preceding the week in which the early voting period for the general election begins, that a voter who, prior to the election, shall have moved within the same county without (i) filing, on or before the 21st day preceding the election, a notice of change of residence with the commissioner of registration of the county or the municipal clerk of the municipality in which the voter resides on the day of the election, (ii) returning the confirmation notice sent to the voter by the commissioner of registration of the county, if such a notice has been sent to the voter, or (iii) otherwise notifying the commissioner of registration of the voter's change of address within the county shall be permitted to correct the voter's registration and to vote in the general election by provisional ballot at the polling place of the district in which the voter resides on the day of

the election. The notice shall further provide that the voter may contact the county commissioner of registration or municipal clerk or may view polling place location information on the Division of Elections website to determine the proper polling place location for the voter.

(3) For a school election:

(a) The day and time thereof,

(b) The offices, if any, to be filled at the election,

(c) The substance of any public question to be submitted to the voters thereat,

(d) That a voter who, prior to the election, shall have moved within the same county without (i) filing, on or before the 21st day preceding the election, a notice of change of residence with the commissioner of registration of the county or the municipal clerk of the municipality in which the voter resides on the day of the election, (ii) returning the confirmation notice sent to the voter by the commissioner of registration of the county, if such a notice has been sent to the voter, or (iii) otherwise notifying the commissioner of registration of the voter's change of address within the county shall be permitted to correct the voter's registration and to vote in the school election by provisional ballot at the polling place of the district in which the voter resides on the day of the election,

(e) That if the voter has any questions as to where to vote on the day of the election, the voter may contact the county commissioner of registration or municipal clerk or may view polling place location information on the Division of Elections website to determine the proper polling place location for the voter; and

(f) Such other information as may be required by law.

c. If such publication is made in more than one newspaper, it shall not be necessary to duplicate in the notice published in each such newspaper all the information required under this section, so long as:

(1) The municipal officers or party positions to be filled, or nominations made, or municipal public questions to be voted upon by the voters of any municipality, shall be set forth in at least one newspaper having general circulation in such municipality;

(2) All offices to be filled, or nominations made therefor, or public questions to be voted upon, by the voters of the entire State or of the entire county shall be set forth in a newspaper or newspapers which, singly or in combination, have general circulation throughout the county;

(3) Information relating to nominations and elections in each Legislative District comprised in whole or part in the county, shall be published in at

least a newspaper or newspapers which singly or in combination, have general circulation in every municipality of the county which is comprised in such legislative district.

d. Such part or parts of the original notices as published which pertain to day of registration or primary election which has occurred shall be eliminated from such notice in succeeding insertions.

e. (Deleted by amendment, P.L.1999, c.232.)

f. The cost of publishing the notices required by this section shall be paid by the respective counties, unless otherwise provided for by law.

g. Notices required to be published or posted pursuant to this section shall set forth a general description of the contents of the voter information notice provided for in section 1 of P.L.2005, c.149 (C.19:12-7.1), how the notice may be viewed or obtained prior to the day of an election, and that the notice will be posted in each polling place on the day of an election.

9. Section 1 of P.L.2005, c.149 (C.19:12-7.1) is amended to read as follows:

C.19:12-7.1 Posting of voter information notice by county board of elections; content and form.

1. a. A county board of elections shall have posted a voter information notice, which shall be referred to as a voter's bill of rights, in a conspicuous location in each polling place and each specially designated polling place used for early voting before voting begins.

The notice shall contain:

the date of the election and the hours during which polling places will be open;

a statement that sample ballots are available at the polling place for review by the voter;

instruction for the use of the voting machine in that polling place and an explanation of what instructions for voting are available at the polling place for the voter;

instruction for a voter who is voting for the first time;

instruction for a voter who is required to provide identification pursuant to the federal "Help America Vote Act of 2002" and R.S.19:15-17 prior to casting a vote;

instruction on how to cast a vote if the voter cannot be present at a polling place on the day of the election;

an explanation of the right of the voter to vote in private, regardless of the voter's physical abilities;

an explanation of the right of the voter to a provisional ballot, including in the event that a mail-in ballot has been applied for and not received or not transmitted to the county board of elections before the day of any election, and the other circumstances under which a voter has a right to a provisional ballot;

an explanation of the right of the voter to receive a replacement ballot for a ballot that has been spoiled, destroyed, lost or never received;

an explanation of the right of the voter to ask for and receive assistance in voting;

an explanation of the right of the voter to take a reasonable amount of time in casting a vote on a voting machine;

an explanation of the right of the voter to bring written material into the polling place for the voter's personal use in casting a vote;

instruction on how to contact the appropriate officials if a voter's right to vote or right to otherwise participate in the electoral process has been challenged or violated;

general information on federal and State laws that prohibit acts of fraud or misrepresentation and the penalties for those acts;

an explanation of the right of the voter to confidentially discover the status of their ballot using the "Track My Ballot" user portal;

an explanation that "All ballots are counted and your vote remains anonymous";

an explanation of the right of the voter that if their ballot was rejected, a notice will be issued to the voter within 24 hours after a decision is made to reject the ballot. The voter will have up to 48 hours prior to the date for the final certification of the results of the election to provide a cure for their ballot;

an explanation giving the options for the voter to provide the cure to their rejected ballot;

an explanation that no voters shall be intimidated or otherwise unduly influenced by political insignia while voting. No person shall wear, display, sell, give or provide any political or campaign slogan, badge, button or other insignia associated with any political party or candidate to be worn at or within one hundred feet of the polls or within the polling place or room, on any primary, general or special election day or on any commission government election day, except the badge furnished by the county board as provided by law. This includes any political gear representing the campaign slogans, logos, or depictions or representations of any political party or candidate such as merchandise sold directly from a political party, campaign, candidate, or by third parties and vendors representing any political party or campaign or candidate. A person violating any of these provisions is guilty

of a disorderly persons offense and will not be permitted on the premises and can only return to vote after the removal of prohibited political insignia; and such other statement, instruction or explanation the Secretary of State may deem appropriate to ensure the full and knowledgeable participation of the voter in the process.

The requirement to post this notice in each polling place shall not replace, supersede or void any other requirement set forth in law for the posting of information in each polling place apart from the voter information notice. The poster promoting the use of voting by mail prepared and distributed by the Secretary of State pursuant to R.S.19:8-6 shall be displayed next to or as close as may be possible to the voter information notice.

b. The Secretary of State shall prescribe the form and specific content of the voter information notice, which may be comprised of more than one page. If the notice is comprised of more than one page, each page shall be posted separately. For an election district in which the primary language of 10 percent or more of the registered voters is a language other than English, the Secretary of State shall prescribe an official version of the voter information notice in that other language or languages for use in that election district. The notice shall be posted in English and in the other language or languages in the polling places in each such district. The alternate language shall be determined based on information from the latest federal decennial census.

c. A county board of elections may modify or supplement the voter information notice used in a county or municipality to provide additional information specific to that county or a municipality in that county, provided, however, that any such modification or supplementation shall be submitted to the Secretary of State for prior approval.

d. The voter information notice shall be printed on each sample ballot, to the extent practicable, or if not practicable, information on how to view or obtain a copy of the voter information notice shall be printed on each sample ballot.

e. The voter information notice, including one modified or supplemented pursuant to subsection c. of this section, shall be made accessible on the official Internet site of the State by the Secretary of State and each county board of elections shall ensure that the official Internet site of the county contains a link to that notice.

f. (Deleted by amendment, P.L.2020, c.70)

g. The State shall be liable for the costs incurred by local government entities for compliance with this section, and they shall be reimbursed for those costs, upon application, by the State Treasurer.

10. R.S.19:14-21 is amended to read as follows:

Preparation; delivery of sample ballots and envelopes to municipal clerk or commissioner of registration.

19:14-21. The county clerk shall cause samples of the official general election ballot to be printed in English, but for each election district within the county in which the primary language of 10% or more of the registered voters is Spanish, shall cause samples of the official general election ballot to be printed bilingually in English and Spanish.

a. In counties not having a superintendent of elections where the county board of elections does not have the equipment or facilities to address and mail sample ballot envelopes, the county clerk not later than noon of the eighth day prior to the start of the early voting period for the general election shall furnish to the municipal clerk of each municipality in his county one and one-tenth times as many such sample ballots and stamped envelopes as there are voters registered, less the number of voters who have been sent a confirmation notice pursuant to subsection d. of R.S.19:31-15 and have not responded, to enable each municipal clerk to mail one of such sample ballots to each voter who is registered in the municipality, except those voters who have been sent a confirmation notice pursuant to subsection d. of R.S.19:31-15 and have not responded, for such election and shall take a receipt for the same from each of the municipal clerks, which receipt shall indicate the number of such sample ballots and stamped envelopes delivered by the county clerk and the date and hour of their delivery.

b. In counties having a superintendent of elections, and in other counties where the county board of elections may have the equipment or facilities to prepare a properly stamped envelope addressed to each registered voter in the county for mailing, the county clerk, not later than the eighth day preceding the start of the early voting period for the general election, shall furnish to the commissioner of registration located in his county one and one-tenth times as many stamped envelopes as there are registered voters in the county, less the number of voters who have been sent a confirmation notice pursuant to subsection d. of R.S.19:31-15 and have not responded, and not later than noon of the seventh day preceding the start of the early voting period for the general election shall furnish to the commissioner of registration located in the county, one and one-tenth times as many sample ballots as there are registered voters in the county to enable the commissioner of registration of the county to mail one of such sample ballots to each voter registered in the county, except those voters who have been sent a confirmation notice pursuant to subsection d. of R.S.19:31-15 and have not responded, for such election and shall take a receipt for the same from the commissioner of registration, which receipt shall indicate the number of such sample ballots and

stamped envelopes delivered by the county clerk and the date and hour of their delivery. County boards of elections which elect to operate under the provisions of this paragraph shall notify their county clerk in sufficient time to enable him to make the necessary arrangements the first year.

c. The county clerk in counties having a superintendent of elections shall also deliver to the county board not later than the seventh day preceding the start of the early voting period for the general election 10 such sample ballots of each election district of each municipality in the county.

d. During the early voting period for the general election, the county clerk may provide for the electronic display of sample ballots at each early voting location. If a county clerk elects to provide for the electronic display of sample ballots at each early voting location, at a minimum, the electronic display shall provide the sample ballot in the languages required by Title 19 of the Revised Statutes or federal law as applicable to the county.

11. R.S.19:14-22 is amended to read as follows:

Form and contents; color of paper.

19:14-22. The official general election sample ballots shall be as nearly as possible facsimiles of the official general election ballot to be voted at such election and shall have printed thereon, after the words which indicate the number of the election district for which such sample ballots are printed, the name of the school district, when appropriate, the number or name and municipality or municipalities of the fire district, when appropriate, the street address or location of the polling place in the election district, and the hours between which the polls shall be open. Such sample ballots shall be printed on paper different in color from the official general election ballot, and have the following words printed in large type at the top: "This ballot cannot be voted. It is a sample copy of the official general election ballot used on election day." The sample ballot shall also state clearly the days, hours and places at which early voting shall be available in the county.

12. R.S.19:14-24 is amended to read as follows:

Delivery by municipal clerks to district boards.

19:14-24. The municipal clerk to whom the sample ballots and stamped envelopes have been so delivered by the county clerk shall deliver the same at his office, or in any other way he sees fit, on or before noon of the Tuesday preceding the start of the early voting period for the general election, to a member or members of each district board, and shall take a receipt for the same

from the member or members of the district boards of such municipality, which receipt shall indicate the number of sample ballots and stamped envelopes delivered by the municipal clerk and the date and hour of their delivery.

13. R.S.19:14-25 is amended to read as follows:

Mailing by district board or commissioner of registration; county board of elections; duties of.

19:14-25. In counties not having a superintendent of elections where the county board of elections does not have the equipment or facilities to address and mail sample ballot envelopes, the municipal clerk shall prepare and deposit in the post office, on or before 12 noon on Wednesday preceding the start of the early voting period for the general election, a properly stamped envelope containing a copy of the sample ballot printed in English, addressed to each registered voter in the district of such board at the address shown on the register, except that for districts in which the primary language of 10% or more of the registered voters is Spanish, a properly stamped envelope containing a copy of the bilingual sample ballot, addressed to each registered voter in the district of such board at the address shown on the register shall be prepared and deposited. The board shall also post the appropriate sample ballots in the polling place in its district.

The board shall return to the municipal clerk all ballots and envelopes not mailed or posted by it, with a sworn statement in writing signed by a majority of the board that all the remainder of such ballots and envelopes had been mailed.

In counties having a superintendent of elections, and in other counties where the county board of elections shall elect to operate under the provisions of subsection b. of section 19:14-21 of this Title, the commissioner of registration shall prepare and deposit in the post office on or before 12:00 o'clock noon, on the Wednesday preceding the start of the early voting period for the general election, a properly stamped envelope containing a copy of the sample ballot printed in English addressed to each registered voter in the county at the address shown on the registry, except that for districts in which the primary language of 10% or more of the registered voters is Spanish, a properly stamped envelope containing a copy of the bilingual sample ballot, addressed to each registered voter in the district of such board at the address shown on the register shall be prepared and deposited. The commissioner of registration shall return to the county clerk all ballots and envelopes not mailed or posted by him, with a sworn statement in writing signed by him that all the remainder of such ballots and envelopes have been mailed.

The county board of elections, in all counties having a superintendent of elections, and in other counties where the county board of elections shall elect to operate under the provisions of subsection b. of section 19:14-21 of this Title, shall, not later than the start of the early voting period for the election, deliver to the members of the district board three appropriate sample ballots for their respective election district. The board shall post the appropriate sample ballots in the polling place in its district.

14. R.S.19:23-31 is amended to read as follows:

Sample ballot facsimile of official ballot.

19:23-31. The official primary sample ballot shall be, as nearly as possible, a facsimile of the official primary ballot to be voted at the primary election and shall be printed on paper different in color from the official primary ballot, so that the same may be readily distinguished from the official primary ballot. It shall state clearly the days, hours, and places at which early voting shall be available in the county. The official primary sample ballot shall have printed at the top in large type the words: "This official primary sample ballot is an exact copy of the official primary ballot to be used on primary election day. This ballot cannot be voted." The official primary sample ballot shall also have printed thereon, following the words which indicate the election district, the following words: "The polling place for this election district is

(Stating the location of said polling place)."

15. R.S.19:23-33 is amended to read as follows:

Sample ballots and envelopes furnished to district boards or commissioner of registration.

19:23-33. In counties not having a superintendent of elections where the county board of elections does not have the equipment or facilities to address and mail sample ballot envelopes, the municipal clerk in each municipality shall furnish to a member of each district board in his municipality, at his office, or in any other way that he sees fit, on or before Tuesday preceding the start of the early voting period for the primary election in each year, sufficient sample ballots and sufficient stamped envelopes to enable the board to mail sample ballots to the voters as hereinbefore provided. Each of the boards shall give the municipal clerk a receipt for such sample ballots and envelopes signed by one of its members.

In counties having a superintendent of elections, and in other counties where the county board of elections shall elect to operate under the provisions of subsection b. of section 19:23-30 of this Title, the municipal clerk in

each municipality shall furnish to the commissioner of registration of his county not later than the eighth day preceding the start of the early voting period for the primary election of each year, sufficient stamped envelopes to enable the commissioner of registration to mail sample ballots to each voter who is registered in the county, less the number of voters who have been sent a confirmation notice pursuant to subsection d. of R.S.19:31-15 and have not responded, and shall, not later than noon of the seventh day preceding the start of the early voting period for the primary election furnish sufficient sample ballots to the commissioner of registration of his county for that purpose. The commissioner of registration shall give the municipal clerk a receipt for such sample ballots and envelopes.

16. R.S.19:23-34 is amended to read as follows:

Mailing sample ballots.

19:23-34. Each of such district boards, in counties not having a superintendent of elections where the county board of elections does not have the equipment or facilities to address and mail sample ballot envelopes, and the commissioner of registration in all other counties, shall prepare and deposit in the post office, on or before twelve o'clock noon on Wednesday preceding the start of the early voting period for the primary, the stamped envelopes containing a copy of the sample primary ballot of each political party addressed to each voter whose name appears in the primary election registry book.

17. R.S.19:23-35 is amended to read as follows:

Posting sample ballots.

19:23-35. In counties not having a superintendent of elections, where the county board of elections does not have the equipment or facilities to address and mail sample ballot envelopes, such district board shall also post three sample ballots in the polling place in its district.

The county board of elections in all counties of the first class, and in other counties where the county board of elections shall elect to operate under the provisions of subsection b. of section 19:23-30 of this Title, shall, not later than the start of the early voting period for the primary election, deliver to the members of the district board three sample ballots for their respective election district. The board shall post the sample ballots in the polling place in its district.

18. R.S.19:49-3 is amended to read as follows:

Number of official ballots to be furnished.

19:49-3. At least one week prior to the start of the early voting period for any primary, local, or general election two sets of official ballots shall be provided for each voting machine, for each polling place, for each election district, for use in and upon the voting machine. One set thereof shall be inserted or placed in or upon the voting machine and the other shall be retained in the custody and possession of the county board of elections or the superintendent of elections or the municipal clerk, as the case may be, having custody of voting machines, unless it shall become necessary during the course of the election to make use of the same upon or in the voting machine. At the close of the election all official ballots, except those actually in or upon the voting machine at the close of the election, whether the same shall have been used in the machine or not, shall be returned to the official providing the same in the manner by this Title provided.

19. Section 1 of P.L.2019, c.80 (C.19:31-35) is amended to read as follows:

C.19:31-35 Use of electronic poll books.

1. Each county commissioner of registration and county board of elections shall require the use of electronic poll books, as further provided by this act, P.L.2019, c.80 (C.19:31-35 et seq.), at each polling place during the early voting period and on the day of any election, in place of the paper polling record or signature copy register, to access the registration record, eligibility, signature, and other information of each registered voter in the election district. The electronic poll books shall enable at least the same functionality currently provided by the paper polling records or signature copy register to be accomplished in the conduct of an election. An electronic poll book shall not be used unless it has been certified by the Secretary of State. The Secretary of State shall adopt and publish electronic poll books standards and regulations governing the certification and use of electronic poll books. The Secretary of State shall not certify an electronic poll book unless it is in compliance with at least the capabilities and standards specified under section 2 of P.L.2019, c.80 (C.19:31-36) and the Secretary of State's standards and regulations. The Secretary of State shall provide the rules, regulations, and instructions regarding the examination, testing, and use of electronic poll books, including rules regarding the security and protection of the information stored in such electronic poll books, to each county commissioner of registration and board of elections.

20. Section 3 of P.L.2019, c.80 (C.19:31-37) is amended to read as follows:

C.19:31-37 Request for approval for use of electronic poll books.

3. A county commissioner of registration and county board of elections shall submit to the Secretary of State a request for approval in the form, content, and timeframe specified by the Secretary of State. Within 10 days of receiving the request, the Secretary of State shall review the request for compliance with the Secretary of State's standards and regulations and all of the capabilities and standards required under this act, P.L.2019, c.80 (C.19:31-35 et seq.). A county commissioner of registration and county board of elections approved to use electronic poll books shall furnish at least two electronic poll books for each polling place. Each voter shall be required to sign the electronic poll book. Notwithstanding any provision of Title 19 of the Revised Statutes, or any other law, rule, or regulation to the contrary, a voter shall be permitted to vote by provisional ballot if the electronic poll book ceases to operate. Electronic poll books for each election shall be prepared by the commissioner of registration no later than the 10th day preceding the start of the early voting period for the election. At each election, the delivery of the electronic poll books to the municipal clerk and to the district boards or other officials charged with the same duties as the district boards in connection with the conduct of an election, and the return of those electronic poll books by the district boards or such other election officials to the commissioner of registration, shall be made in the manner prescribed by the commissioner of registration and shall comply with Title 19 of the Revised Statutes. The commissioner of registration shall retain the electronic poll books records for any election for a period of not less than six years following that election.

21. Section 3 of P.L.1981, c.379 (C.40:45-7) is amended to read as follows:

C.40:45-7 Regular municipal elections; early voting; date; place; conduct; change; election officers.

3. Except as may otherwise be provided by law for initial elections conducted in a municipality following its adoption of a plan or form of government, or a charter or an amendment thereto, regular municipal elections shall be held in each municipality governed by this act on the second Tuesday in May, or the day of the general election in November if chosen by the municipality pursuant to subsection a. of section 1 of P.L.2009, c.196 (C.40:45-7.1), in the years in which municipal officers are to be elected. The municipal election shall be held at the same place or places and conducted in the same manner, so far as possible, as the general election. The election officers shall be those provided for conducting the general election.

A municipality holding municipal elections on the second Tuesday in May, in addition to those elections and by an ordinance adopted by its governing body, may also conduct early voting for those municipal elections, in accordance with the provisions of P.L.2021, c.40 (C.19:15A-1 et al.). A municipality holding municipal elections on the day of the general election in November shall conduct early voting in accordance with the provisions of P.L.2021, c.40 (C.19:15A-1 et al.).

Notwithstanding the provisions of this section, the Secretary of State may change in any year the date provided for a regular municipal election if the date coincides with a period of religious observance that limits significantly the usual activities of the followers of a particular religion or that would result in significant religious consequences for such followers. The secretary shall inform the municipal clerks, county clerks and boards of election of the adjustment no later than the first working day in January of the year in which the adjustments are to occur.

As used in this section "a period of religious observance" means any day or portion thereof on which a religious observance imposes a substantial burden on an individual's ability to vote.

22. a. For the purpose of facilitating early voting as quickly and efficiently as possible, the State may procure qualified vendors to develop, implement, or produce any hardware, software, or equipment, any change to its Internet website, or any supporting systems ahead of the 2021 general election.

b. Notwithstanding the provisions of any other law, rule, or regulation to the contrary, a contract to effectuate any provision of subsection a. of this section may be procured in an expedited process and in the manner provided by this section.

c. The Division of Purchase and Property in the Department of the Treasury, the Secretary of State, or other appropriate State entity may procure, without the need for formal advertisement, but through the solicitation of proposals from professional services vendors, a qualified vendor with relevant experience.

d. Notwithstanding the provisions of any other law, rule, or regulation to the contrary, for the purpose of expediting the procurement of any capable and experienced vendor, the following provisions shall apply as modifications to any law or regulation that may interfere with the expedited procurement:

(1) the timeframes for challenging the specifications shall be modified as determined by the Division of Purchase and Property, the Secretary of State, or other applicable entity;

(2) in lieu of advertising in accordance with section 7 of P.L.1954, c.48 (C.52:34-12), the division shall advertise the request for proposals for the procurement under this section and any addenda thereto on the applicable agency's website;

(3) the period of time that the State Comptroller, if applicable, has to review the request for proposals for the procurement under this section for compliance with applicable public contracting laws, rules, and regulations, pursuant to section 10 of P.L.2007, c.52 (C.52:15C-10), shall be 10 business days or less, if practicable, as determined by the State Comptroller;

(4) the timeframes for submission under section 4 of P.L.2012, c.25 (C.52:32-58) and section 1 of P.L.1977, c.33 (C.52:25-24.2) shall be extended to prior to the issuance of a Notice of Intent to Award;

(5) the provisions of section 1 of P.L.2005, c.92 (C.52:34-13.2) shall not apply to technical and support services under this section provided by a vendor using a "24/7 follow-the-sun model" as long as the contractor is able to provide such services in the United States during the business day; and

(6) the term "bids" in subparagraph (f) of subsection a. of section 7 of P.L.1954, c.48 (C.52:34-12) shall not include pricing which will be revealed to all responsive bidders during the negotiation process.

e. The applicable entity may, to the extent necessary, waive or modify any requirement under any other law or regulation that may interfere with the expeditious procurement required under this section.

23. For the purpose of facilitating early voting as quickly and efficiently as possible, a contracting unit may procure qualified vendors to develop, implement, or produce any hardware, software, or equipment, any change to its Internet website, or any supporting systems or services ahead of the 2021 general election pursuant to paragraph (l) of subsection (1) of section 5 of P.L.1971, c.198 (C.40A:11-5).

C.19:15A-8 Application of provisions of act.

24. The provisions of this act, P.L.2021, c.40 (C.19:15A-1 et al.), shall only apply to the 2021 general election and general elections thereafter; the 2022 primary election and primary elections thereafter; and, if adopted by a municipal governing body, a municipal election conducted in May 2022 and municipal elections conducted in May thereafter.

25. a. There is appropriated from the General Fund to the Department of State the sum of \$2,000,000 for the purposes described in subsection i. of section 1 of this act.

b. There is appropriated from the General Fund as State aid to each county governing body and to each municipal governing body that approves conducting early voting such sums as the State Treasurer and the Director of the Division of Budget and Accounting in the Department of the Treasury deem necessary to effectuate the purpose of section 6 of this act.

26. This act shall take effect immediately.

Approved March 30, 2021.

CHAPTER 41

AN ACT concerning the expiration of the County Option Hospital Fee Pilot Program and amending P.L.2018, c.136.

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

1. Section 3 of P.L.2018, c.136 (C.30:4D-7t) is amended to read as follows:

C.30:4D-7t "County Option Hospital Fee Pilot Program."

3. a. There is established "The County Option Hospital Fee Pilot Program" in the Department of Human Services. The program shall commence on the 180th day after the effective date of P.L.2018, c.136 (C.30:4D-7r et seq.) and shall expire five years after each participating county has collected a local health care-related fee, authorized pursuant to subsection c. of this section.

b. The purpose of the pilot program is:

(1) to increase financial resources through the Medicaid program to support local hospitals and to ensure that they continue to provide necessary services to low-income citizens; and

(2) to provide participating counties with new fiscal resources.

c. To effectuate the purposes of this program, the commissioner shall authorize no more than seven participating counties in the State for participation in the program. Each participating county shall be authorized to impose a local health care-related fee on hospitals within its borders.

d. A participating county shall submit a proposed fee and expenditure report to the commissioner to ensure that the proposed fee and expenditure plan satisfies paragraph (1) of subsection b. of this section and subsection e. of this section, and does not create a direct or indirect guarantee to hold harmless,

as those terms are used in 42 C.F.R. s.433.68(f). The commissioner shall further review the proposed fee and expenditure report to determine whether it complies with relevant rules and regulations. Each participating county shall consult with affected hospitals within its jurisdiction to prepare the proposed fee and expenditure report before the report is submitted to the commissioner. The commissioner shall make the proposed fee and expenditure report available to the affected hospitals for review and the hospitals shall be permitted to provide comments to the commissioner regarding the report for a period of 21 calendar days from the date the proposed report is made available for review.

e. The board of chosen freeholders of a participating county, following the approval of the participating county's proposed fee and expenditure plan by the commissioner, may adopt an ordinance providing for the imposition of a fee on hospitals located within its borders and for appropriate administrative provisions, including, but not limited to, provisions for the collection of interest and penalties.

The fee shall be implemented in accordance with the provisions of 42 U.S.C. s.1396b(w)(3)(A), and shall be subject to the maximum aggregate amount that may be assessed pursuant to 42 C.F.R. s.433.68(f)(3), or any subsequent maximum amount as may be established by federal law, and shall be subject to a cap as determined by the commissioner. The participating county may exempt a hospital within its jurisdiction from the fee, provided that the exemption complies with the requirements of 42 C.F.R. s.433.68.

The fee authorized pursuant to this act may be collected only to the extent, and for the period, that the commissioner determines that the revenues generated qualify as the State share of Medicaid program expenditures eligible for federal financial participation pursuant to 42 C.F.R. s.433.68.

f. Any subsequent alterations to the fee are subject to the approval of the commissioner prior to implementation. Upon approval, the commissioner shall apply for such State plan amendments or waivers as may be necessary to implement the changes and to secure federal financial participation for State Medicaid expenditures under the federal Medicaid program.

g. Neither the State nor a participating county shall be liable for any amount of a local health care-related fee imposed on a hospital pursuant to this act that the hospital fails to pay or does not pay in a timely manner to the assessing county.

2. Section 8 of P.L.2018, c.136 is amended to read as follows:

8. This act shall take effect on the 180th day after the date of enactment, and shall expire five years after each participating county has collected a local health care-related fee, authorized pursuant to subsection c. of section 3

of P.L.2018, c.136 (C.30:4D-7t). All proposed fee and expenditure plans are subject to both approval of the commissioner and such actions by the federal government as are necessary to effectuate the purposes of this act.

3. This act shall take effect immediately.

Approved March 31, 2021.

CHAPTER 42

AN ACT making federal funding available to the New Jersey Economic Development Authority to support microbusinesses in need.

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

1. a. Subject to the availability of federal funds provided or made accessible to the State via federal block grant funds allocated to the State from the federal "Coronavirus Relief Fund" established pursuant to the federal "Coronavirus Aid, Relief, and Economic Security Act (CARES Act)," Pub.L.116-136, or any other federal funds made available to the State in response to the coronavirus disease 2019 (COVID-19) pandemic, \$25,000,000 from such federal funds shall be made available to the New Jersey Economic Development Authority for the purposes set forth in subsection b. of this section.

b. (1) The funds made available to the New Jersey Economic Development Authority pursuant to subsection a. of this section shall be reserved by the authority to provide financial support, by way of grants, to eligible microbusinesses. The authority may use not more than five percent of the funds to defray any administrative expenses incurred in the implementation of this section.

(2) Notwithstanding the provisions of paragraph (1) of this subsection to the contrary, the authority may transfer the uncommitted balance of any funds made available pursuant to this section to any program established pursuant to P.L.2021, c.45, P.L.2021, c.47, P.L.2021, c.46, or P.L.2021, c.43. The authority shall submit notice to the Joint Budget Oversight Committee no less than five calendar days before the date of the transfer. At minimum, the notice shall indicate the amount of the transferred funds and the purpose for which the funds are transferred.

c. The New Jersey Economic Development Authority shall establish the size of the awards and eligibility of entities in subsection b. of this section to meet the needs of the microbusinesses in responding to the public health crisis.

d. As used in this section “eligible microbusiness” means an entity located in the State that produces goods or provides services and has five or fewer full-time equivalent employees.

2. This act shall take effect immediately.

Approved April 1, 2021.

CHAPTER 43

AN ACT making federal funding available to the New Jersey Economic Development Authority and New Jersey Council on the Arts to support arts and culture organizations in need.

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

1. a. Subject to the availability of federal funds provided or made accessible to the State via federal block grant funds allocated to the State from the federal “Coronavirus Relief Fund” established pursuant to the federal “Coronavirus Aid, Relief, and Economic Security Act (CARES Act),” Pub.L.116-136, or any other federal funds made available to the State in response to the coronavirus disease 2019 (COVID-19) pandemic, \$7,500,000 from such federal funds shall be made available to the New Jersey Economic Development Authority for the purposes set forth in subsection b. of this section.

b. (1) The funds made available to the New Jersey Economic Development Authority pursuant to subsection a. of this section shall be reserved by the authority to provide financial support, by way of grants, to arts and culture for-profit organizations. The authority may use not more than five percent of the funds to defray any administrative expenses incurred in the implementation of this section.

(2) Notwithstanding the provisions of paragraph (1) of this subsection to the contrary, the authority may transfer the uncommitted balance of any funds made available pursuant to this section to any program established pursuant to P.L.2021, c.42, P.L.2021, c.47, P.L.2021, c.46, or P.L.2021, c.45. The authority shall submit notice to the Joint Budget Oversight Committee no less than five calendar days before the date of the transfer. At minimum, the notice shall indicate the amount of the transferred funds and the purpose for which the funds are transferred.

c. The New Jersey Economic Development Authority shall establish the size of the awards and eligibility of entities in subsection b. of this section to meet the needs of arts and culture organizations in responding to the public health crisis.

d. As used in this section:

“Arts and culture for-profit organization” means an organization that: (1) either organizes, promotes, produces, manages, or hosts at least two regularly occurring live performances or events per week by performing artists for which admission fees are charged and performers are paid based on a percentage of sales, a guarantee, or other mutually beneficial formal arrangement or publicly sells tickets in advance of performing arts events for which performers are paid based on a percentage of sales, a guarantee, or other mutually beneficial formal arrangement; and (2) can demonstrate to the authority a 25 percent or greater operating revenue loss in the second quarter of 2020 compared to the second quarter of 2019.

“Performing arts or artist” includes, but is not limited to, events such as musical concerts, comedy shows, theatrical productions, dance performances, or other live renderings of similarly artistic works.

2. a. Subject to the availability of federal funds provided or made accessible to the State via federal block grant funds allocated to the State from the federal “Coronavirus Relief Fund” established pursuant to the federal “Coronavirus Aid, Relief, and Economic Security Act (CARES Act),” Pub.L.116-136, or any other federal funds made available to the State in response to the coronavirus disease 2019 (COVID-19) pandemic, \$7,500,000 from such federal funds shall be made available to the New Jersey Council on the Arts for the purposes set forth in subsection b. of this section.

b. The funds made available to the New Jersey Council on the Arts pursuant to subsection a. of this section shall be reserved by the council to provide financial support, by way of grants, to arts and culture non-profit organizations. The council may use not more than five percent of the funds to defray any administrative expenses incurred in the implementation of this section.

c. The New Jersey Council on the Arts shall establish the size of the awards and eligibility of entities in subsection b. of this section to meet the needs of arts and culture organizations in responding to the public health crisis.

3. This act shall take effect immediately.

Approved April 8, 2021.

CHAPTER 44

AN ACT concerning the location of ballot drop boxes in each county and amending P.L.2020, c.72.

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

1. Section 1 of P.L.2020, c.72 (C.19:63-16.1) is amended to read as follows:

C.19:63-16.1 Options for delivery of mail-in ballot by voter.

1. a. In addition to delivering a voted mail-in ballot by mail or in person as provided under "The Vote By Mail Law," P.L.2009, c.79 (C.19:63-1 et seq.), a mail-in voter shall be entitled to deposit the voter's completed mail-in ballot in a ballot drop box established by the county board of elections as provided under this section. Each mail-in ballot deposited in a ballot drop box by the time designated under current law for the closing of the polls for that election shall be considered valid and shall be canvassed. If, at the closing of the polls, a voter deposits a mail-in ballot at a ballot drop box in a county in which the voter does not reside, the county board of elections, upon discovering that fact, shall notify and timely deliver the ballot to the county board of elections of the county in which the voter resides, who shall accept the ballot for processing. The limitations and prohibitions applicable to mail-in ballot bearers under "The Vote By Mail Law," P.L.2009, c.79 (C.19:63-1 et seq.) shall apply under this section.

b. (1) For any election, the county board of elections in each county shall establish ballot drop boxes where voters may deposit their voted mail-in ballots at least 45 days before the election. The ballot drop boxes shall be located throughout the county in a manner specified under paragraph (2) of this subsection.

(2) (a) A ballot drop box shall mean a secured drop box that is not required to be within view of a live person for monitoring. All ballot drop boxes shall be available for use by a voter 24 hours a day and shall be placed at locations equipped with security cameras that allow for surveillance of the ballot drop box.

(b) Beginning with the 2021 general election, at least one ballot drop box shall be located: at any county government building in which the main office of the county clerk is located; in each municipality with a population larger than 5,000 residents; at the main campus of each State college or university;

and the main campus of each independent four-year college or university with enrollments larger than 5,000 students. Notwithstanding the locational criteria established by this subparagraph, whenever two or more ballot drop box locations are separated by a distance of less than 2,000 feet, the board of elections in each county shall determine secondary locations for those ballot drop boxes in compliance with the requirements of this section. The secondary ballot drop box locations shall be located within the municipality where those ballot drop boxes were originally located and shall be approved by a majority vote of the members of the board of elections. However, in the event of a tie in the votes cast by the members of the board of elections, the county clerk shall cast the deciding vote. Whenever possible, at least one ballot drop box shall be located in a municipality with an average per capita income or a median family income at or below 250% of the federal poverty guideline according to the most recent federal American Community Survey.

(c) The board of elections in each county shall establish no fewer than 10 ballot drop boxes. To the best of their ability, the board of elections of every county shall place secure ballot drop boxes based on geographic location and population density to best serve the voters of each county in compliance with the guidelines adopted pursuant to subsection c. of this section. The Secretary of State shall establish guidelines for the placement of the ballot drop boxes, the security of the ballot drop boxes, and the schedule for ballot pickup from the ballot boxes.

(d) All ballot drop box locations shall be on sites that meet the accessibility requirements applicable to polling places under R.S.19:8-2 and shall be subject to the same compliance oversight applicable to polling places under section 3 of P.L.1991, c.429 (C.19:8-3.3). A ballot drop box site shall be considered accessible if it is in compliance with the federal "Americans with Disabilities Act of 1990" (42 U.S.C. s. 12101 et seq.).

c. The Secretary of State, in consultation with county boards of elections, shall establish the guidelines necessary to ensure the secure and successful implementation of the mail-in ballot drop boxes required by this section to ensure adequate access in various geographic areas of the county. In determining the ballot drop box locations, the secretary and county boards of elections shall consider, at a minimum, concentrations of population, geographic areas, voter convenience, proximity to public transportation, community-based locations, travel time to the location, proximity to other voting locations and ballot drop boxes, commuter traffic patterns, and security. The guidelines shall include, but may not be limited to, criteria for each county board of elections to:

(1) determine the number of ballot drop boxes required per voter population, considering both the number of registered voters and the number of registered mail-in voters in each county before each election;

(2) select the geographic location of each ballot drop box, ensuring an equitable distribution of ballot drop boxes across the county to maximize convenience to voters;

(3) ensure the accessibility of ballot drop boxes and drop box locations to persons with disabilities; and

(4) maintain the security of ballot drop boxes and of the ballots deposited therein, including standards and procedures for ballot retrieval by authorized persons only, and for ensuring the proper chain of custody and safe storage of voted mail-in ballots before each election.

d. Each county clerk shall include the locations of the ballot drop boxes established in the county along with the instructions furnished with the mail-in ballot package sent to each mail-in voter pursuant to section 7 of P.L.2009, c.79 (C.19:63-7). At least 45 days before each election, each county board of elections shall cause to be published on their respective websites the location of the ballot drop boxes in each county, and shall provide this information to the Secretary of State for publishing the same on the Division of Elections website.

2. This act shall take effect immediately.

Approved April 9, 2021.

CHAPTER 45

AN ACT making federal funding available to the New Jersey Economic Development Authority to support food and beverage establishments in need.

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

1. a. Subject to the availability of federal funds provided or made accessible to the State via federal block grant funds allocated to the State from the federal "Coronavirus Relief Fund" established pursuant to the federal "Coronavirus Aid, Relief, and Economic Security Act (CARES Act)," Pub.L.116-136, or any other federal funds made available to the State in response to the coronavirus disease 2019 (COVID-19) pandemic, \$35,000,000 from such

federal funds shall be made available to the New Jersey Economic Development Authority for the purposes set forth in subsection b. of this section.

b. (1) The funds made available to the New Jersey Economic Development Authority pursuant to subsection a. of this section shall be reserved by the authority to provide financial support, by way of grants, to eligible food and beverage establishments. The authority may use not more than five percent of the funds to defray any administrative expenses incurred in the implementation of this section.

(2) Notwithstanding the provisions of paragraph (1) of this subsection to the contrary, the authority may transfer the uncommitted balance of any funds made available pursuant to this section to any program established pursuant to P.L.2021, c.42, P.L.2021, c.47, P.L.2021, c.46, or P.L.2021, c.43. The authority shall submit notice to the Joint Budget Oversight Committee no less than five calendar days before the date of the transfer. At minimum, the notice shall indicate the amount of the transferred funds and the purpose for which the funds are transferred.

c. The New Jersey Economic Development Authority shall establish the size of the awards and eligibility of entities in subsection b. of this section to meet the needs of the eligible food and beverage establishments in responding to the public health crisis.

d. As used in this section “eligible food and beverage establishments” means restaurants and dining establishments at which 50 or fewer workers are employed at a location in this State, and bars, breweries, brewpubs, wineries, or other establishments serving alcoholic beverages on its premises at which 50 or fewer workers are employed at a location in this State.

2. This act shall take effect immediately.

Approved April 9, 2021.

CHAPTER 46

AN ACT making federal funding available to the New Jersey Economic Development Authority to support businesses and nonprofits in need.

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

1. a. Subject to the availability of federal funds provided or made accessible to the State via federal block grant funds allocated to the State from the federal “Coronavirus Relief Fund” established pursuant to the federal “Coronavirus Aid, Relief, and Economic Security Act (CARES Act),” Pub.L.116-136, or any other federal funds made available to the State in response to the coronavirus disease 2019 (COVID-19) pandemic, \$15,000,000 from such federal funds shall be made available to the New Jersey Economic Development Authority for the purposes set forth in subsection b. of this section.

b. (1) The funds made available to the New Jersey Economic Development Authority pursuant to subsection a. of this section shall be reserved by the authority to provide financial support, by way of grants, to businesses and nonprofits. The authority may use not more than five percent of the funds to defray any administrative expenses incurred in the implementation of this section.

(2) Notwithstanding the provisions of paragraph (1) of this subsection to the contrary, the authority may transfer the uncommitted balance of any funds made available pursuant to this section to any program established pursuant to P.L.2021, c.42, P.L.2021, c.47, P.L.2021, c.45, or P.L.2021, c.43. The authority shall submit notice to the Joint Budget Oversight Committee no less than five calendar days before the date of the transfer. At minimum, the notice shall indicate the amount of the transferred funds and the purpose for which the funds are transferred.

c. The New Jersey Economic Development Authority shall establish the size of the awards and eligibility of entities in subsection b. of this section to meet the needs of businesses and nonprofits in responding to the public health crisis.

2. This act shall take effect immediately.

Approved April 12, 2021.

CHAPTER 47

AN ACT making federal funding available to the New Jersey Economic Development Authority to support child care providers in need.

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

1. a. Subject to the availability of federal funds provided or made accessible to the State via federal block grant funds allocated to the State from the federal "Coronavirus Relief Fund" established pursuant to the federal "Coronavirus Aid, Relief, and Economic Security Act (CARES Act)," Pub.L.116-136, or any other federal funds made available to the State in response to the coronavirus disease 2019 (COVID-19) pandemic, \$10,000,000 from such federal funds shall be made available to the New Jersey Economic Development Authority for the purposes set forth in subsection b. of this section.

b. (1) The funds made available to the New Jersey Economic Development Authority pursuant to subsection a. of this section shall be reserved by the authority to provide financial support, by way of grants, to child care providers. The authority may use not more than five percent of the funds to defray any administrative expenses incurred in the implementation of this section.

(2) Notwithstanding the provisions of paragraph (1) of this subsection to the contrary, the authority may transfer the uncommitted balance of any funds made available pursuant to this section to any program established pursuant to P.L.2021, c.42, P.L.2021, c.45, P.L.2021, c.46, or P.L.2021, c.43. The authority shall submit notice to the Joint Budget Oversight Committee no less than five calendar days before the date of the transfer. At minimum, the notice shall indicate the amount of the transferred funds and the purpose for which the funds are transferred.

c. The New Jersey Economic Development Authority shall establish the size of the awards and eligibility of entities in subsection b. of this section to meet the needs of child care providers in responding to the public health crisis.

2. This act shall take effect immediately.

Approved April 13, 2021.

CHAPTER 48

AN ACT concerning alcoholic beverage licenses and certain retail stores and supplementing Title 33 of the Revised Statutes.

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

C.33:1-99 Definitions relative to alcoholic beverage licenses and certain retail stores.**1. a. For the purposes of this act:**

“Retail food store” means any retail establishment where groceries and other foodstuffs are regularly and customarily sold in a bona fide manner for off-premises consumption and constitute at least 65 percent of the store’s total annual sales in dollars.

“Groceries and other foodstuffs” means dairy products; meat and delicatessen products; produce products; seafood products; carbonated beverages; coffee and other beverages; snack foods; candy products; baked products; paper products; household cleaning items; health and beauty products; frozen foods; pet foods and supplies; and any other edible product not previously listed.

b. The provisions of section 1 of P.L.1962, c.152 (C.33:1-12.31) shall not apply to the acquisition of any additional plenary retail distribution license or any interest therein when that acquired license was, prior to the acquisition, used in connection with a retail food store that became an asset in bankruptcy pursuant to Chapter 7 of the federal Bankruptcy Code, 11 U.S.C. s.701 et seq. or Chapter 11 of the federal Bankruptcy Code, 11 U.S.C. s.1101 et seq. and is transferred for use in connection with another or the same retail food store.

c. The holder of a plenary retail distribution license acquired pursuant to this section shall be prohibited from transferring the license from the premises of the retail food store for which the license was used prior to the bankruptcy proceeding to another location, other than to another retail food store, except in connection with a relocation of the retail food store to a new location within the same municipality that issued the license.

d. A plenary retail distribution license that was in an inactive status pursuant to section 1 of P.L.1977, c.246 (C.33:1-12.39) at the time that the license was transferred as an asset in bankruptcy shall be transferred again within two years following the transfer in the bankruptcy proceeding to a person or entity who does not hold a beneficial interest in the license.

The provisions of this subsection shall not apply to:

(1) a person who held a beneficial interest in fewer than two licenses at the time of acquiring the inactive license in the bankruptcy proceeding and is entitled to hold not more than two retail licenses pursuant to section 1 of P.L.1962, c.152 (C.33:1-12.31); or

(2) the holder of plenary retail distribution licenses used in connection with retail food stores who acquires any additional plenary retail distribution license or an interest therein when that license was used in connection with a retail food store that was an asset in bankruptcy pursuant to Chapter 7 of the federal Bankruptcy Code, 11 U.S.C. s.701 et seq., or Chapter 11 of the

federal Bankruptcy Code, 11 U.S.C. s.1101 et seq., and when the interest in the retail food store is also acquired.

e. Plenary Retail Consumption licenses, pursuant to this act, shall be licenses with "Broad C Package Privileges."

f. A person shall not be entitled to acquire any additional plenary retail distribution license or an interest therein pursuant to this section unless the person purchases or successfully bids in the bankruptcy sale on the assets associated with the retail food store where the license was previously sited.

C.33:1-100 Inapplicability of C.33:1-12.31.

2. a. The provisions of section 1 of P.L.1962, c.152 (C.33:1-12.31) shall not apply to the holder of any plenary retail distribution license or licenses who uses the holder's license or licenses, subject to rules and regulations, in connection with the operation of a retail food store and who acquires any additional alcoholic beverage retail license or licenses in connection with the acquisition of any retail food store as an asset in bankruptcy.

The license holder shall be entitled to sell, display, and offer for sale alcoholic beverages on separate contiguous licensed premises with a separate point of sale situated adjacent to the retail food store or in a separated area within the retail food store consistent with the requirements of section 3 of this act, P.L.2021, c.48 (C.33:1-101), subject to rules and regulations, in connection with the operation of a retail food store selling alcoholic beverages, and shall otherwise be prohibited from selling alcoholic beverages within the public retail floor area where merchandise including, but not limited to, groceries and other foodstuffs or any other mercantile products are sold at retail.

b. The provisions of section 1 of P.L.1962, c.152 (C.33:1-12.31) shall not apply to the holder of any plenary retail distribution license or licenses who used the holder's license or licenses in connection with the operation of one or more retail food stores prior to the effective date of this act, P.L.2021, c.48 (C.33:1-99 et seq.) and who acquires or acquired any additional plenary retail distribution license in connection with the acquisition of any retail food store as an asset in bankruptcy.

A license holder authorized to acquire an additional license or licenses in accordance with this subsection shall be exempt from the restrictions established in section 3 of this act, P.L.2021, c.48 (C.33:1-101). The exemption established pursuant to this subsection shall not be transferred to any other location unless the operation of such retail food store, along with the plenary retail distribution license, is so transferred.

C.33:1-101 Physical separation for area containing alcoholic beverages in retail food store.

3. Notwithstanding any other law, rule, or regulation to the contrary, a license holder may only sell, display, or offer for sale alcoholic beverages within a retail food store if the area containing the alcoholic beverages is capable of being physically separated from customers during the hours when the sale of alcoholic beverages is restricted by applicable State law or local ordinance. The physical separation shall be by a means reasonably designed to restrict customer access to alcoholic beverages during the prohibited time periods including, but not limited to, the use of a movable gate or fence. Nothing in this section shall require any license holder who, as of the effective date of this act, P.L.2021, c.48 (C.33:1-99 et seq.) does not physically separate an area containing alcoholic beverages in a retail food store from establishing the physical separation in the future.

4. This act shall take effect immediately and be retroactive to the first day of the 85th month prior to the date of enactment. Sections 1 and 2 shall not apply on or after the 180th day next following the date of enactment.

Approved April 16, 2021.

CHAPTER 49

AN ACT concerning resident tuition rates for dependent children of United States military personnel and amending P.L.1985, c.231.

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

1. Section 1 of P.L.1985, c.231 (C.18A:62-4.1) is amended to read as follows:

C.18A:62-4.1 Resident tuition for military personnel, dependents.

1. a. United States military personnel and their dependents who are living in New Jersey and are attending public institutions of higher education in New Jersey shall be regarded as residents of the State for the purpose of determining tuition.

b. A dependent child of United States military personnel who attended high school in New Jersey for a minimum of three years shall be regarded by a public institution of higher education in New Jersey as a resident of the

State for the purpose of determining tuition, regardless of where the dependent child resides upon enrollment in the institution.

2. This act shall take effect immediately.

Approved April 19, 2021.

CHAPTER 50

AN ACT concerning the appointment of municipal emergency management coordinators in certain municipalities 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. a. 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 and, except as otherwise provided in this section, such appointment shall be made 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.

b. 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.

c. In a municipality with a population of less than 5,000 persons according to the most recent federal decennial census, the mayor or commissioner, as applicable, may appoint a nonresident, who is a resident of the county in which the municipality is located, as the municipal emergency management coordinator if a qualified resident of the municipality cannot be recruited.

2. This act shall take effect immediately.

Approved April 19, 2021.

CHAPTER 51

AN ACT concerning the training of arbitrators and amending P.L.2012, c.26.

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

1. Section 22 of P.L.2012, c.26 (C.18A:6-17.1) is amended to read as follows:

C.18A:6-17.1 Panel of arbitrators; training.

22. a. The Commissioner of Education shall maintain a panel of 50 permanent arbitrators to hear matters pursuant to N.J.S.18A:6-16. Of the 50 arbitrators, 16 arbitrators shall be designated by the New Jersey Education Association, six arbitrators shall be designated by the American Federation of Teachers, 18 arbitrators shall be designated by the New Jersey School Boards Association, and 10 arbitrators shall be designated by the New Jersey Principals and Supervisors Association. The commissioner shall inform the appropriate designating entity when a vacancy exists. If the appropriate entity

does not designate an arbitrator within 30 days, the commissioner shall designate an arbitrator to fill that vacancy.

All arbitrators designated pursuant to this section shall serve on the American Arbitration Association panel of labor arbitrators and shall be members of the National Academy of Arbitrators. The arbitrators shall have knowledge and experience in the school employment sector. Arbitrators on the permanent panel shall be assigned by the commissioner randomly to hear cases.

All arbitrators designated pursuant to this section after the effective date of P.L.2019, c.45, shall receive training on conduct unbecoming an employee including, but not limited to, issues related to allegations of sexual assault and child abuse, for the purpose of assisting the arbitrator in determining matters in which conduct unbecoming an employee is the basis of the tenure charges made against the employee. Any arbitrator on the permanent panel as of the effective date of P.L.2019, c.45, shall receive the training within 18 months of the effective date of that act.

The training on conduct unbecoming an employee shall also include issues related to cultural diversity and bias. Any arbitrator on the permanent panel as of the effective date of P.L.2021, c.51, shall receive training on these issues within 18 months of the effective date of that act.

The training shall be conducted by a State agency or private entity with expertise in the subject area selected by the commissioner, and any training on sexual misconduct or child abuse shall be conducted in consultation with a sexual assault or child abuse prevention organization. The training program utilized by the State agency or private entity shall be approved by the commissioner and shall be developed in consultation with interested stakeholders in the school law and education communities including, but not limited to, the New Jersey School Boards Association, the New Jersey Principals and Supervisors Association, the New Jersey Education Association, the American Federation of Teachers, and the New Jersey Association of School Administrators. The training program shall include, but shall not be limited to:

(1) A review of tenure charge cases concerning conduct unbecoming by a school employee, including cases decided both before and after the enactment of P.L.2012, c.26 (C.18A:6-117 et al.); and

(2) A review of the factors to be considered by arbitrators in deciding tenure charge cases concerning conduct unbecoming by a school employee including, but not limited to, the nature of the alleged offense and the impact, or potential impact, of the employee's conduct on the health and safety of students within the context of the school environment.

b. The following provisions shall apply to a hearing conducted by an arbitrator pursuant to N.J.S.18A:6-16, except as otherwise provided pursuant to P.L.2012, c.26 (C.18A:6-117 et al.):

(1) The hearing shall be held before the arbitrator within 45 days of the assignment of the arbitrator to the case;

(2) The arbitrator shall receive no less than \$1250 per day, or such amount as established at the discretion of the Commissioner of Education, who shall consider the average per diem rate of arbitrators eligible to serve on the panel who reside in New Jersey, New York, and Pennsylvania. The costs and expenses of the arbitrator shall be borne by the State of New Jersey;

(3) Upon referral of the case for arbitration, the employing board of education shall provide all evidence including, but not limited to, documents, electronic evidence, statements of witnesses, and a list of witnesses with a complete summary of their testimony, to the employee or the employee's representative. The employing board of education shall be precluded from presenting any additional evidence at the hearing, except for purposes of impeachment of witnesses. At least 10 days prior to the hearing, the employee shall provide all evidence upon which he will rely including, but not limited to, documents, electronic evidence, statements of witnesses, and a list of witnesses with a complete summary of their testimony, to the employing board of education or its representative. The employee shall be precluded from presenting any additional evidence at the hearing except for purposes of impeachment of witnesses.

Discovery shall not include depositions, and interrogatories shall be limited to 25 without subparts.

c. The arbitrator shall determine the case under the American Arbitration Association labor arbitration rules. In the event of a conflict between the American Arbitration Association labor arbitration rules and the procedures established pursuant to this section, the procedures established pursuant to this section shall govern.

d. Notwithstanding the provisions of N.J.S.18A:6-25 or any other section of law to the contrary, the arbitrator shall render a written decision within 45 days of the start of the hearing.

e. The arbitrator's determination shall be final and binding and may not be appealable to the commissioner or the State Board of Education. The determination shall be subject to judicial review and enforcement as provided pursuant to N.J.S.2A:24-7 through N.J.S.2A:24-10.

f. Timelines set forth herein shall be strictly followed; the arbitrator or any involved party shall inform the commissioner of any timeline that is not adhered to.

g. An arbitrator may not extend the timeline of holding a hearing beyond 45 days of the assignment of the arbitrator to the case without approval from the commissioner. An arbitrator may not extend the timeline for rendering a written decision within 45 days of the start of the hearing without approval from the commissioner. Extension requests shall occur before the 41st day of the respective timelines set forth herein. The commissioner shall approve or disapprove extension requests within five days of receipt.

h. The commissioner may remove any arbitrator from an arbitration case or an arbitration panel if an arbitrator does not adhere to the timelines set forth herein without approval from the commissioner. If the commissioner removes an arbitrator from an arbitration case, the commissioner shall refer the case to a new arbitrator within five days. The newly-assigned arbitrator shall convene a new hearing and then render a written decision within 45 days of being referred the case.

2. This act shall take effect immediately.

Approved April 19, 2021.

CHAPTER 52

AN ACT concerning retirement benefits for members of the Police and Firemen's Retirement System and amending P.L.1944, c.255.

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

1. Section 5 of P.L.1944, c.255 (C.43:16A-5) is amended to read as follows:

C.43:16A-5 Retirement benefits for members of PFRS.

5. (1) Any member in service who has attained age 55 years may retire on a service retirement allowance upon filing a written and duly executed application to the retirement system, setting forth at what time, not less than one month subsequent to the filing thereof, he desires to be retired. Any member in service who attains age 65 years shall be retired on a service retirement allowance forthwith on the first day of the next calendar month, except that a member hired prior to January 1, 1987 may remain a member of the system until the member attains age 68 years or 25 years of creditable service, whichever comes first.

(2) Upon retirement for service a member shall receive a service retirement allowance which shall consist of:

(a) An annuity which shall be the actuarial equivalent of his aggregate contributions and

(b) A pension in the amount which, when added to the member's annuity, will provide a total retirement allowance of one-sixtieth of his average final compensation multiplied by the number of years of his creditable service, or 2% of his average final compensation multiplied by the number of years of his creditable service up to 30 plus 1% of his average final compensation multiplied by the number of years of creditable service over 30, or 50% of his final compensation if the member has established 20 or more years of creditable service, whichever is greater.

(3) (a) Any member of the retirement system as of the effective date of P.L.1999, c.428 who has 20 or more years of creditable service at the time of retirement shall be entitled to receive a retirement allowance equal to 50% of the member's final compensation plus, in the case of a member required to retire pursuant to the provisions of subsection (1) of this section, 3% of final compensation multiplied by the number of years of creditable service over 20 but not over 25.

(b) Any member of the retirement system who was enrolled prior to the effective date of P.L.2021, c.52 and who is a member on that effective date may retire on or after the effective date of P.L.2021, c.52 but no later than the first day of the 25th month following that effective date on a service retirement allowance, regardless of age, upon attaining 20 or more years of creditable service and shall be entitled to receive a service retirement allowance equal to 50% of the member's final compensation.

(4) Upon the receipt of proper proofs of the death of a member who has retired on a service retirement allowance, there shall be paid to his beneficiary an amount equal to one-half of the compensation upon which contributions by the member to the annuity savings fund were based in the last year of creditable service.

2. This act shall take effect immediately.

Approved April 19, 2021.

CHAPTER 53

AN ACT concerning eligibility for State student assistance or other employment and training services and supplementing chapter 71B of Title 18A of the New Jersey Statutes and P.L.1989, c.293.

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

C.18A:71B-117 Findings, declarations relative to eligibility for certain programs.

1. The Legislature finds and declares that the State spends considerable funds on educational institutions, including proprietary schools, training providers, and other postsecondary schools. It is in the State's interests to ensure that State funds going to schools, training providers, or their students, are funding consistently high-quality educational experiences, but the State does not have the resources to monitor these programs daily. Instead, to ensure that limited State funds are expended on high-quality programs, the State depends on students' ability to effectively vindicate their rights under State and federal law in litigation against educational institutions that are or may receive funds. Lawsuits like these deter the misuse of State funds without the expenditure of State resources on enforcement, and public filings resulting from such litigation may be monitored by the State to assess whether it is spending its limited funds appropriately.

The Legislature further finds and declares that such educational institutions frequently require their students to sign enrollment contracts that include forced arbitration and other restrictive clauses, including clauses that require students to waive their right to participate in a class action against the company. These clauses impede students from being able to sue to enforce State and federal law against their educational institutions, and the few private and individual arbitrations that students are able to file against educational institutions are not publicly filed and available for monitoring by the State.

C.18A:71B-118 Eligibility contingent on actions of institution, school.

2. a. A student enrolled in a public or independent institution of higher education or a proprietary institution licensed to offer academic degrees shall be ineligible to receive any form of student assistance from the State, including grants, scholarships, and loans, in the event that the institution or school requires the student to:

(1) submit to an agreement to arbitrate or to an arbitration proceeding to resolve any matter thereafter relating to the student's enrollment prior to the commencement of any legal action;

(2) resolve a complaint relating to the student's enrollment through an internal dispute process;

(3) waive any right, forum, or procedure afforded to the student, including any right to file and pursue a civil action, class action or a complaint with, or otherwise notify, any State agency, other public prosecutor, law enforcement agency, or any court or other governmental entity of any alleged violation of the student's rights; or

(4) be prohibited from disclosing, discussing, describing, or commenting upon the terms of the student's enrollment agreement or any violation thereof.

Nothing in this subsection shall be construed to prohibit a student from receiving any form of student assistance from the State for which the student is eligible at a different institution of higher education or proprietary institution licensed to offer academic degrees.

b. A public or independent institution of higher education or a proprietary institution licensed to offer academic degrees shall not threaten, retaliate, or discriminate against any student because of the refusal by the student to: consent to an agreement to arbitrate or to an arbitration proceeding; resolve a complaint through an internal dispute process; waive any right, forum, or procedure; or consent to a prohibition to disclose, discuss, describe or comment upon any enrollment agreement terms or violations thereof.

c. A public or independent institution of higher education or a proprietary institution licensed to offer academic degrees shall not require a student to opt out of a waiver or take any affirmative action in order to preserve his rights pursuant to this section.

d. In the event that a public or independent institution of higher education or a proprietary institution licensed to offer academic degrees requires a student to enter into an enrollment contract or similar agreement, the institution shall annually submit such contracts or agreements to the Secretary of Higher Education.

e. Nothing in this act shall be construed to invalidate a written arbitration agreement that is otherwise enforceable under the Federal Arbitration Act (9 U.S.C.s.1 et seq.).

C.34:15C-10.2a Eligibility contingent upon actions of training provider.

3. a. An individual receiving or seeking employment and training services from a training provider shall be ineligible to receive the services or any form of funding for the services, including grants, scholarships, loans, or other State job training funds or federal job training funds, if the training provider requires the individual to:

(1) submit to an agreement to arbitrate or to an arbitration proceeding, prior to the commencement of any legal action, to resolve any matter thereafter relating to the individual's receiving the services;

(2) resolve, through an internal dispute process, a complaint relating to the individual's receiving the services;

(3) waive any right, forum, or procedure afforded to the individual, including any right to file and pursue a civil action, class action or a complaint with, or otherwise notify, any State agency, other public prosecutor, law enforcement agency, or any court or other governmental entity of any alleged violation of the individual's rights; or

(4) be prohibited from disclosing, discussing, describing, or commenting upon the terms of the individual's receiving the services or any violation thereof.

Nothing in this subsection shall be construed to prohibit an individual from receiving employment and training services or any form of funding for the services for which the individual is eligible from a different training provider.

b. A training provider shall not threaten, retaliate, or discriminate against any individual because of the refusal by the individual to: consent to an agreement to arbitrate or to an arbitration proceeding; resolve a complaint through an internal dispute process; waive any right, forum, or procedure; or consent to a prohibition to disclose, discuss, describe or comment upon any enrollment agreement terms or violations thereof.

c. A training provider shall not require an individual to opt out of a waiver or take any affirmative action in order to preserve his rights pursuant to this section.

d. If a training provider requires an individual to take actions which make the individual ineligible to receive employment and training services pursuant to subsection a. of this section, or the training provider violates the provisions of subsection b. of this section, the training provider shall not be placed or retained on the State Eligible Training Provider List maintained pursuant to section 14 of P.L.2005, c.354 (C.34:15C-10.2), and shall not receive any federal job training funds or State job training funds.

e. In the event that a training provider requires an individual to enter into an enrollment contract or similar agreement, the provider shall annually submit such contracts or agreements to the Commissioner of Labor and Workforce Development.

f. Nothing in this act shall be construed to invalidate a written arbitration agreement that is otherwise enforceable under the Federal Arbitration Act (9 U.S.C.s.1 et seq.).

g. For the purposes of this section, "federal job training funds", "State job training funds", "training provider" shall have the meanings set forth in

section 4 of P.L.1989, c.293 (C.34:15C-1), and “employment and training services” shall have the meanings set forth in section 1 of P.L.1992, c.48 (C.34:15B-35) and section 3 of P.L.1992, c.43 (C.34:15D-3).

4. This act shall take effect in the next full academic year beginning after the date of enactment.

Approved April 19, 2021.

CHAPTER 54

AN ACT concerning opioids and amending P.L.2017, c.28.

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

1. Section 11 of P.L.2017, c.28 (C.24:21-15.2) is amended to read as follows:

C.24:21-15.2 Limitation on amount of opioid initially prescribed under certain circumstances.

11. a. A practitioner shall not issue an initial prescription for an opioid drug which is a prescription drug as defined in section 2 of P.L.2003, c.280 (C.45:14-41) in a quantity exceeding a five-day supply for treatment of acute pain. Any prescription for acute pain pursuant to this subsection shall be for the lowest effective dose of immediate-release opioid drug.

b. Prior to issuing an initial prescription of a Schedule II controlled dangerous substance or any other opioid drug which is a prescription drug as defined in section 2 of P.L.2003, c.280 (C.45:14-41) in a course of treatment for acute or chronic pain, a practitioner shall:

(1) take and document the results of a thorough medical history, including the patient's experience with non-opioid medication and non-pharmacological pain management approaches and substance abuse history;

(2) conduct, as appropriate, and document the results of a physical examination;

(3) develop a treatment plan, with particular attention focused on determining the cause of the patient's pain;

(4) access relevant prescription monitoring information under the Prescription Monitoring Program pursuant to section 8 of P.L.2015, c.74 (C.45:1-46.1); and

(5) limit the supply of any opioid drug prescribed for acute pain to a duration of no more than five days as determined by the directed dosage and frequency of dosage.

c. No less than four days after issuing the initial prescription pursuant to subsection a. of this subsection, the practitioner, after consultation with the patient, may issue a subsequent prescription for the drug to the patient in any quantity that complies with applicable State and federal laws, provided that:

(1) the subsequent prescription would not be deemed an initial prescription under this section;

(2) the practitioner determines the prescription is necessary and appropriate to the patient's treatment needs and documents the rationale for the issuance of the subsequent prescription; and

(3) the practitioner determines that issuance of the subsequent prescription does not present an undue risk of abuse, addiction, or diversion and documents that determination.

d. Prior to issuing the initial prescription of a Schedule II controlled dangerous substance or any other opioid drug which is a prescription drug as defined in section 2 of P.L.2003, c.280 (C.45:14-41) in a course of treatment for acute pain and prior to issuing a prescription at the outset of a course of treatment for chronic pain, a practitioner shall discuss with the patient, or the patient's parent or guardian if the patient is under 18 years of age and is not an emancipated minor, the risks associated with the drugs being prescribed, including but not limited to:

(1) the risks of addiction and overdose associated with opioid drugs and the dangers of taking opioid drugs with alcohol, benzodiazepines and other central nervous system depressants;

(2) the reasons why the prescription is necessary;

(3) alternative treatments that may be available; and

(4) risks associated with the use of the drugs being prescribed, specifically that opioids are highly addictive, even when taken as prescribed, that there is a risk of developing a physical or psychological dependence on the controlled dangerous substance, and that the risks of taking more opioids than prescribed, or mixing sedatives, benzodiazepines or alcohol with opioids, can result in fatal respiratory depression.

The practitioner shall include a note in the patient's medical record that the patient or the patient's parent or guardian, as applicable, has discussed with the practitioner the risks of developing a physical or psychological dependence on the controlled dangerous substance and alternative treatments that may be available. The Division of Consumer Affairs shall develop and make available to practitioners guidelines for the discussion required pursuant to this subsection.

e. Prior to the commencement of an ongoing course of treatment for chronic pain with a Schedule II controlled dangerous substance or any opioid, the practitioner shall enter into a pain management agreement with the patient.

f. When a Schedule II controlled dangerous substance or any other prescription opioid drug is continuously prescribed for three months or more for chronic pain, the practitioner shall:

(1) review, at a minimum of every three months, the course of treatment, any new information about the etiology of the pain, and the patient's progress toward treatment objectives and document the results of that review;

(2) assess the patient prior to every renewal to determine whether the patient is experiencing problems associated with physical and psychological dependence and document the results of that assessment;

(3) periodically make reasonable efforts, unless clinically contraindicated, to either stop the use of the controlled substance, decrease the dosage, try other drugs or treatment modalities in an effort to reduce the potential for abuse or the development of physical or psychological dependence and document with specificity the efforts undertaken;

(4) review the Prescription Drug Monitoring information in accordance with section 8 of P.L.2015, c.74 (C. 45:1-46.1); and

(5) monitor compliance with the pain management agreement and any recommendations that the patient seek a referral.

g. As used in this section:

"Acute pain" means pain, whether resulting from disease, accidental or intentional trauma, or other cause, that the practitioner reasonably expects to last only a short period of time. "Acute pain" does not include chronic pain, pain being treated as part of cancer care, hospice or other end of life care, or pain being treated as part of palliative care.

"Chronic pain" means pain that persists or recurs for more than three months.

"Initial prescription" means a prescription issued to a patient who:

(1) has never previously been issued a prescription for the drug or its pharmaceutical equivalent; or

(2) was previously issued a prescription for, or used or was administered the drug or its pharmaceutical equivalent, but the date on which the current prescription is being issued is more than one year after the date the patient last used or was administered the drug or its equivalent.

When determining whether a patient was previously issued a prescription for, or used or was administered a drug or its pharmaceutical equivalent, the practitioner shall consult with the patient and review the patient's medical record and prescription monitoring information.

"Opioid antidote" means any drug, regardless of dosage amount or method of administration, which has been approved by the United States Food and Drug Administration (FDA) for the treatment of an opioid overdose. "Opioid antidote" includes, but is not limited to, naloxone hydrochloride, in any dosage amount, which is administered through nasal spray or any other FDA-approved means or methods.

"Pain management agreement" means a written contract or agreement that is executed between a practitioner and a patient, prior to the commencement of treatment for chronic pain using a Schedule II controlled dangerous substance or any other opioid drug which is a prescription drug as defined in section 2 of P.L.2003, c.280 (C.45:14-41), as a means to:

- (1) prevent the possible development of physical or psychological dependence in the patient;
- (2) document the understanding of both the practitioner and the patient regarding the patient's pain management plan;
- (3) establish the patient's rights in association with treatment, and the patient's obligations in relation to the responsible use, discontinuation of use, and storage of Schedule II controlled dangerous substances, including any restrictions on the refill of prescriptions or the acceptance of Schedule II prescriptions from practitioners;
- (4) identify the specific medications and other modes of treatment, including physical therapy or exercise, relaxation, or psychological counseling, that are included as a part of the pain management plan;
- (5) specify the measures the practitioner may employ to monitor the patient's compliance, including but not limited to random specimen screens and pill counts; and
- (6) delineate the process for terminating the agreement, including the consequences if the practitioner has reason to believe that the patient is not complying with the terms of the agreement.

"Practitioner" means a medical doctor, doctor of osteopathy, dentist, optometrist, podiatrist, physician assistant, certified nurse midwife, or advanced practice nurse, acting within the scope of practice of their professional license pursuant to Title 45 of the Revised Statutes.

h. This section shall not apply to a prescription for a patient who is currently in active treatment for cancer, receiving hospice care from a licensed hospice or palliative care, or is a resident of a long term care facility, or to any medications that are being prescribed for use in the treatment of substance abuse or opioid dependence.

i. Every policy, contract or plan delivered, issued, executed or renewed in this State, or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, and every contract purchased by the School Employees' Health Benefits Commission or State Health Benefits Commission, on or after the effective date of this act, that provides coverage for prescription drugs subject to a co-payment, coinsurance or deductible shall charge a co-payment, coinsurance or deductible for an initial prescription of an opioid drug prescribed pursuant to this section that is either:

(1) proportional between the cost sharing for a 30-day supply and the amount of drugs the patient was prescribed; or

(2) equivalent to the cost sharing for a full 30-day supply of the opioid drug, provided that no additional cost sharing may be charged for any additional prescriptions for the remainder of the 30-day supply.

j. (1) Subject to paragraph (2) of this subsection, if a health care practitioner issues a prescription for an opioid drug which is a controlled dangerous substance to a patient, the prescriber shall additionally issue the patient a prescription for an opioid antidote if any of the following conditions is present:

(a) the patient has a history of substance use disorder;

(b) the prescription for the opioid drug is for a daily dose of more than 90 morphine milligram equivalents; or

(c) the patient holds a current, valid prescription for a benzodiazepine drug that is a Schedule III or Schedule IV controlled dangerous substance.

(2) A practitioner shall not be required to issue more than one prescription for an opioid antidote to a patient under paragraph (1) of this subsection per year.

(3) Nothing in paragraph (2) of this subsection shall be construed to prohibit a practitioner from issuing additional prescriptions for an opioid antidote to a patient upon the patient's request or when the practitioner determines there is a clinical or practical need for the additional prescription.

2. This act shall take effect immediately.

Approved April 19, 2021.

CHAPTER 55

AN ACT concerning certain workers' compensation benefits for surviving dependents of employees deemed essential during coronavirus disease 2019 pandemic and supplementing chapter 15 of Title 34 of the Revised Statutes.

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

C.34:15-95.8 Worker's compensation benefits for certain surviving dependents of employees deemed essential during coronavirus disease 2019 pandemic.

1. a. Beginning on January 1, 2020, and in each fiscal year thereafter, a dependent of an essential employee, who is receiving weekly benefits pursuant to R.S.34:15-13 for a death that occurred after March 1, 2020 due to the contraction of coronavirus disease 2019 in the course of employment, and who is not entitled to receive special adjustment benefits pursuant to section 1 of P.L.1980, c.83 (C.34:15-95.4), shall be entitled to receive weekly supplemental benefits from the Second Injury Fund during the period in which the dependent is eligible to receive the initially-awarded weekly benefits, whenever the amount of the initially-awarded weekly benefits is less than the total amount of weekly benefits that would be payable to the dependent if that total amount included weekly supplemental benefits calculated in the manner indicated in subsection b. of this section. In making the determination of the aggregate annual surcharge for the Second Injury Fund to be levied pursuant to paragraph (4) of subsection c. of R.S.34:15-94 for calendar year 2020 and each subsequent calendar year, the Commissioner of Labor and Workforce Development shall include the anticipated additional amounts, including administrative costs, required for payment of supplemental benefits pursuant to this section during the fiscal year which begins on July 1 of the respective calendar year.

b. The base amount of the weekly supplemental benefits to be paid pursuant to this section during each fiscal year shall be calculated in a manner so that when it is added to the workers' compensation weekly death benefits initially awarded, the sum of the initial award and the base weekly supplemental benefits shall bear the same percentage relationship to the maximum workers' compensation death benefit rate for the current fiscal year that the dependent's initial weekly death benefits bore to the maximum workers' compensation death benefit rate in effect at the time of the death, except that:

(1) The actual amount of the supplemental benefits paid pursuant to this section to any dependent shall be reduced by an amount equal to the dependent's benefit payable under the Federal Old-Age, Survivors' and Disability Insurance Act, excluding any disability benefits paid to that dependent under that act and any cost of living increases in benefits paid to that dependent under that act, or Black Lung benefits;

(2) A supplemental benefit shall not be paid if the actual amount of the benefit to be paid is calculated to be less than \$5 per week; and

(3) A supplemental benefit shall not be paid to a dependent who elects to not receive benefits under the Federal Old Age, Survivors and Disability Insurance Act for which the dependent is eligible.

c. Notwithstanding any other provision of this section, weekly supplemental benefits paid pursuant to this section shall not be paid in a manner which in any way changes or modifies the provisions of section 1 or 9 of P.L.1980, c.83 (C.34:15-95.4 or 34:15-95.5).

d. An insurance carrier or self-insured employer responsible for the payment of workers' compensation death benefits to a dependent shall notify the Division of Workers' Compensation of the need to have the Second Injury Fund make supplemental benefit payments to the dependent pursuant to this section not later than the 60th day after the date on which it is determined that the payment of supplemental benefits is required pursuant to this section. If the insurance carrier or self-insured employer fails to notify the division and that failure results in the payment of an incorrect amount of benefits, the liability for the payment of the supplemental benefits shall be transferred from the Second Injury Fund to the employer until the time at which the insurance carrier or self-insured employer provides the required notice.

e. For the purposes of this section, "essential employee" means an employee in the public or private sector who, during a state of emergency:

(1) is a public safety worker or first responder, including any fire, police or other emergency responders;

(2) is involved in providing medical and other healthcare services, emergency transportation, social services, and other care services, including services provided in health care facilities, residential facilities, or homes;

(3) performs functions which involve physical proximity to members of the public and are essential to the public's health, safety, and welfare, including transportation services, financial services, and the production, preparation, storage, sale, and distribution of essential goods such as food, beverages, medicine, fuel, and supplies for conducting essential business and work at home; or

(4) is any other employee deemed an essential employee by the public authority declaring the state of emergency.

If the state of emergency does not apply to the entire State, an employee shall be regarded as an essential employee only if the employee is working in the area subject to the state of emergency.

f. The Commissioner of Labor and Workforce Development shall promulgate rules and regulations as are necessary to effectuate the purposes of this act.

2. This act shall take effect immediately.

Approved April 19, 2021.

CHAPTER 56

AN ACT requiring the Department of Military and Veterans Affairs to assist certain service members with petitions to change discharge designations, and supplementing chapter 3 of Title 38A of the New Jersey Statutes.

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

C.38A:3-59 Assistance for certain service members with petitions to change discharge designations.

1. a. All former service members of the Armed Forces who were separated from the service with a general or other than honorable discharge due solely to their sexual orientation, or gender identity or expression, may request that the New Jersey Department of Military and Veterans' Affairs assist them to have the designation of his or her discharge changed and recorded as honorable.

b. The Department of Military and Veterans' Affairs shall:

(1) create, publish, and distribute material to all public agencies of the availability of the assistance; and

(2) create a consistent and uniform process to assist a former service member with the appropriate and necessary forms and conditions prescribed by federal law, so that he or she may petition the United States Department of Veterans Affairs, or its successor agency, to change the designation of his or her discharge to honorable.

At no time shall a fee be charged to a former service member for seeking assistance to have the designation of his or her discharge changed to honorable.

c. A former service member who has the designation of his or her discharge changed to honorable shall be afforded the same rights, privileges, and benefits authorized by State law to service members who were honorably discharged.

d. Information related to the change in the designation of a discharge, including, but not limited to, a request for assistance, shall be confidential and not accessible to the public as a government record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.).

e. The Adjutant General shall, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt any rules and regulations as the Adjutant General deems necessary to carry out the provisions of this act, P.L.2021, c.56.

2. This act shall take effect immediately.

Approved April 19, 2021.

CHAPTER 57

AN ACT directing the DOE to establish an Alternate Route Interstate Reciprocity Pilot Program 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:26-25 Alternate Route Interstate Reciprocity Pilot Program.

1. The Department of Education shall establish a five-year Alternate Route Interstate Reciprocity Pilot Program. The department shall:

a. following two complete years of program implementation, publish a progress report on the success of the program up to that point in time; and

b. establish criteria for participating New Jersey Certificate of Eligibility educator preparation programs. The selected educator preparation programs shall:

(1) accept an out-of-State candidate who meets the requirements of section 3 of this act;

(2) accept a candidate's earned credits from a prior educator preparation program for any participating out-of-State candidate who has not yet completed their educator preparation program; and

(3) provide the department with ongoing data regarding the progress and success of all participating candidates and any candidate data necessary for a comparative progress report.

C.18A:26-26 Issuance of instructional certificate of eligibility.

2. For the purposes of the Alternate Route Interstate Reciprocity Pilot Program established pursuant to section 1 of this act, the State Board of Examiners shall issue an instructional certificate of eligibility to an out-of-State candidate who:

a. holds the equivalent of a valid certificate of eligibility or a valid provisional certificate issued by another state in a subject or grade level also offered in New Jersey;

b. has passed a subject-matter test to receive the candidate's out-of-State endorsement or passed the appropriate New Jersey subject-matter test;

c. has passed a performance assessment that is approved by the state in which the certificate was issued, or, if the out-of-State candidate did not take or pass a state-approved performance assessment, the candidate shall be issued an instructional certificate of eligibility but shall pass a New Jersey approved performance assessment prior to the issuance of a standard instructional certificate;

d. has at least one year of effective teaching experience as documented by a letter from the candidate's former supervisor, principal, or employing school district's human resource officer; and

e. has been in good standing during the candidate's teaching experience under the out-of-State certificate as documented in such manner as determined by the State Board of Education.

C.18A:26-27 Requirements for out-of-State candidate.

3. If the out-of-State candidate has not completed an approved educator preparation program the candidate shall enroll in a New Jersey approved educator preparation program and complete any remaining college credits or coursework prior to the issuance of a standard instructional certificate.

C.18A:26-28 Eligibility for standard certificate.

4. A certificate of eligibility for an out-of-State candidate who is enrolled in the pilot program and who meets all other requirements for issuance of a standard certificate pursuant to State Board of Education regulations shall be eligible for a standard certificate. A certificate of eligibility candidate who successfully completes the pilot program may apply for up to one year of effective teaching experience earned out-of-State, as documented by a letter from the candidate's former supervisor, principal, or employing school district's human resource officer, to satisfy the requirement that the candidate earn at least two summative evaluation ratings within three consecutive years of teaching.

C.18A:26-29 Report at conclusion of pilot program.

5. At the conclusion of the five-year pilot program, the Department of Education shall submit a report evaluating the effectiveness of the pilot program to the Governor, the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), and the State Board of Education. The report shall

include an analysis of the impact of the pilot program and shall include the department's recommendation on the feasibility of continuing the program.

6. This act shall take effect immediately.

Approved April 19, 2021.

CHAPTER 58

AN ACT creating the office of deputy superintendent of elections in counties of the fifth class and amending P.L.1992, c.17 and P.L.1947, c.167.

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

1. Section 1 of P.L. 1992, c.17 (C.19:32-26.1) is amended to read as follows:

C.19:32-26.1 Office of deputy superintendent of elections.

1. The governing body of a county of the second or fifth class in which the office of superintendent of elections for the county has been established pursuant to section 1 of P.L.1947, c.167 (C.19:32-26) may establish, by ordinance or resolution, as appropriate, the office of deputy superintendent of elections. The office of deputy superintendent of elections in each such county shall be filled by a suitable person who shall be nominated by the Governor with the advice and consent of the Senate, who shall not be from the same political party as the superintendent of elections, and who shall hold office for a term of five years, running concurrently with the term of the superintendent and until the deputy superintendent's successor is appointed and has qualified. The initial appointment to the office of deputy superintendent of elections may be for a partial term, as appropriate. Vacancies shall be filled in the same manner as the original appointment but shall be for the unexpired term only. The annual salary of a deputy superintendent of elections shall be 90% of the salary received by the superintendent of elections of the same county for performing the duties of superintendent of elections and commissioner of registration. The office of the deputy superintendent of elections shall be located in the county making the appointment.

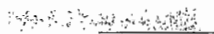
2. Section 24 of P.L.1947, c.167 (C.19:32-49) is amended to read as follows:

C.19:32-49 Superintendent of elections, commissioner of registration.

24. In addition to the foregoing, the superintendent of elections is constituted the commissioner of registration for the county and he shall, within the county, have and exercise all the powers of, and be charged with all the duties had and exercised and required to be performed by, the superintendent of elections and the commissioner of registration in any county, including the custody and control of voting machines heretofore or hereafter installed in the county in any manner provided by law, except those heretofore or hereafter installed in any municipality by the governing body thereof, which shall be placed and remain in the custody of the municipal clerk unless taken over by the county according to law. The deputy superintendent of elections in counties of the first class, and in counties of the second and fifth classes in which the governing body has established the office of superintendent of elections for the county, is constituted the deputy commissioner of registration.

3. This act shall take effect immediately.

Approved April 19, 2021.



CHAPTER 59

AN ACT modifying the effective date of P.L.2018, c.165 and amending P.L.2018, c.165.

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

1. Section 5 of P.L.2018, c.165 is amended to read as follows:

5. This act shall take effect immediately but shall be retroactive to October 18, 2008.

2. This act shall take effect immediately.

Approved April 19, 2021.

CHAPTER 60

AN ACT establishing a "Sexual Violence Restorative Justice Pilot Program."

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

1. a. The Attorney General shall establish a three-year “Sexual Violence Restorative Justice Pilot Program” to implement a restorative justice program for survivors of sexual violence. The Attorney General shall implement this program by entering into an agreement with an organization to design the program and provide technical assistance and an agreement with a separate organization to conduct the program. The Attorney General shall select the organizations, who are to have expertise in trauma informed care and not be associated with any law enforcement agency, through requests for proposals. Both organizations shall be compensated.

b. Through the direct participation of survivors of sexual violence, including survivors who have chosen not to report the act of sexual violence to law enforcement, the program shall implement restorative justice practices which include, but are not limited to, upholding the principles of survivor autonomy, restoring a sense of control and independence to survivors, and emphasizing outcomes that are essential to the survivor’s healing process.

A survivor of sexual assault and a person accused of sexual assault shall not be required to participate in the restorative justice program. If a survivor of sexual assault chooses to participate in the restorative justice program, the survivor may choose to no longer participate at any time.

The pilot program shall be established in one northern, one central, and one southern county in this State, as determined by the Attorney General.

c. The Attorney General, in conjunction with the organizations selected pursuant to subsection a. of this section, shall submit a report evaluating the effectiveness of the pilot program to the Governor and, pursuant to the provisions of section 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature within 90 days of completion of the program. The report shall evaluate the pilot program and recommend whether the pilot program should be continued, expanded, or made permanent.

d. For the purposes of this section, “restorative justice” means an approach to repairing the harm caused by a crime through direct involvement of those affected, including the victim, the victim’s family and friends, and the community, for the purpose of fulfilling the victim’s expectations for justice while also holding accountable the person who caused the harm, and which may be implemented through varying formats, such as sharing circles, victim impact panels, and facilitated conferences.

2. This act shall take effect immediately and shall expire upon the filing of the report required pursuant to subsection c. of section 1 of P.L.2021, c.60.

Approved April 19, 2021.

CHAPTER 61

AN ACT concerning the protocols for sexual assault cases and amending P.L.2003, c.137.

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

1. Section 1 of P.L.2003, c.137 (C.2C:14-2.1) is amended to read as follows:

C.2C:14-2.1 Protocols for sexual assault cases.

1. a. Notwithstanding any law, rule, or regulation to the contrary, any victim reporting a violation of N.J.S.2C:14-2 shall be provided with the option to review the initial incident report concerning that violation prior to filing by the law enforcement agency. In addition, the law enforcement agency shall provide the victim with a standardized form prescribed by the Attorney General wherein the victim may state whether the victim disagrees with information contained in the initial incident report. The law enforcement agency shall provide to the victim contact information for a liaison to victims of sexual assault, as set forth in subsection b. of this section, for assistance in completing the standardized form. The law enforcement agency shall review the standardized form prior to finalizing and filing the initial incident report. The victim's decision to not submit a standardized form shall not be construed as indicating the victim's approval regarding the contents of the initial incident report. At the time of the initial report, the law enforcement agency shall inform the victim that the victim is entitled to a copy of the initial incident report once the initial incident report has been finalized or that the victim may waive the right to receive a copy of the initial incident report. The law enforcement agency shall provide the victim with contact information so that the victim may inquire about the status of the initial incident report, prior to the law enforcement agency finalizing the report. The law enforcement agency shall provide the victim with instructions regarding the precise date, time, and location where the victim may obtain a copy of the finalized initial incident report from the law enforcement agency or provide the victim with the option to receive the

initial incident report by mail. The victim shall be provided, at no cost, with a copy of the initial incident report and any form submitted by the victim.

At any time, a victim may exercise the option to submit a standardized form correcting information contained within the initial incident report, at which time the law enforcement agency also shall provide the victim with a copy of the standardized form submitted by the victim at no cost. The standardized form correcting information contained within the initial incident report shall not be a governmental record under P.L.1963, c.73 (C.47:1A-1 et seq.), known commonly as the open public records act.

The law enforcement agency shall establish that it has complied with the provisions of this subsection by obtaining a signature from the victim. A violation of this subsection may be reported to the Office of the Attorney General.

The initial incident report and form shall be permanently retained by the law enforcement agency.

b. Each county prosecutor's office shall appoint a staff member who will serve as a liaison to victims of sexual assault. The liaison shall have expertise in the rights of sexual assault victims and in the handling of sexual assault cases. The liaison shall provide assistance, support, and guidance to victims of sexual assault including, but not limited to, completing the standardized form contesting the information contained in the initial incident report.

c. Whenever there is a prosecution for a violation of N.J.S.2C:14-2, the victim of the sexual assault shall be provided an opportunity to consult with the prosecuting authority prior to the conclusion of any plea negotiations.

Nothing contained herein shall be construed to alter or limit the authority or discretion of the prosecutor to enter into any plea agreement which the prosecutor deems appropriate.

d. For purposes of this section "initial incident report" shall mean the initial victim statement provided by the victim to the law enforcement agency and shall not include any criminal investigatory records or other information deemed confidential pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.).

2. This act shall take effect immediately.

Approved April 19, 2021.

CHAPTER 62

AN ACT concerning protocols for sexual assault victims and supplementing Title 52 of the Revised Statutes.

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

C.52:4B-44.3 Information available to victims of sexual assault.

1. Upon receiving a report of aggravated sexual assault or sexual assault as defined in subsection a. or c. of N.J.S.2C:14-2, the Office of Victim-Witness Advocacy, the county prosecutor's office, or any other law enforcement agency involved in the case shall make a packet of information available to the victim in electronic or paper format that includes, but is not limited to:

- a. rights and laws pertaining to victims of sexual assault;
- b. the criminal justice process as it pertains to victims of sexual assault;
- c. existing medical, counseling, and mental health services available to victims of sexual assault;
- d. any additional services available to victims of sexual assault through the Office of Victim-Witness Advocacy;
- e. a telephone number, established by the county prosecutor's office involved in the case, that the victim may call at any time for updates concerning the victim's case; and
- f. contact information for the appropriate county Office of Victim-Witness Advocacy.

The victim may elect to waive the right to receive the packet of information. Notwithstanding the provisions of any other law, rule, or regulation to the contrary, the Office of Victim-Witness Advocacy, the county prosecutor's office, or any other law enforcement agency involved in the case shall not discuss or provide information regarding crime prevention strategies with an alleged victim of aggravated sexual assault or sexual assault.

2. This act shall take effect immediately.

Approved April 19, 2021.

CHAPTER 63

AN ACT concerning certain rights of sexual assault victims and amending P.L.2003, c.137.

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

1. Section 1 of P.L.2003, c.137 (C.2C:14-2.1) is amended to read as follows:

C.2C:14-2.1 Protocols for sexual assault cases.

1. a. Notwithstanding any law, rule, or regulation to the contrary, any victim reporting a violation of N.J.S.2C:14-2 shall be provided with the option to review the initial incident report concerning that violation prior to filing by the law enforcement agency. In addition, the law enforcement agency shall provide the victim with a standardized form prescribed by the Attorney General wherein the victim may state whether the victim disagrees with information contained in the initial incident report. The law enforcement agency shall provide to the victim contact information for a liaison to victims of sexual assault, as set forth in subsection b. of this section, for assistance in completing the standardized form. The law enforcement agency shall review the standardized form prior to finalizing and filing the initial incident report. The victim's decision to not submit a standardized form shall not be construed as indicating the victim's approval regarding the contents of the initial incident report. At the time of the initial report, the law enforcement agency shall inform the victim that the victim is entitled to a copy of the initial incident report once the initial incident report has been finalized or that the victim may waive the right to receive a copy of the initial incident report. The law enforcement agency shall provide the victim with contact information so that the victim may inquire about the status of the initial incident report, prior to the law enforcement agency finalizing the report. The law enforcement agency shall provide the victim with instructions regarding the precise date, time, and location where the victim may obtain a copy of the finalized initial incident report from the law enforcement agency or provide the victim with the option to receive the initial incident report by mail. The victim shall be provided, at no cost, with a copy of the initial incident report and any form submitted by the victim.

At any time, a victim may exercise the option to submit a standardized form correcting information contained within the initial incident report, at which time the law enforcement agency also shall provide the victim with a copy of the standardized form submitted by the victim at no cost. The standardized form correcting information contained within the initial incident report shall not be a governmental record under P.L.1963, c.73 (C.47:1A-1 et seq.), known commonly as the open public records act.

The law enforcement agency shall establish that it has complied with the provisions of this subsection by obtaining a signature from the victim. A violation of this subsection may be reported to the Office of the Attorney General.

The initial incident report and form shall be permanently retained by the law enforcement agency.

b. Each county prosecutor's office shall appoint a staff member who will serve as a liaison to victims of sexual assault. The liaison shall have expertise in the rights of sexual assault victims and in the handling of sexual assault cases. The liaison shall provide assistance, support, and guidance to victims of sexual assault including, but not limited to, completing the standardized form contesting the information contained in the initial incident report.

c. For purposes of this section "initial incident report" shall mean the initial victim statement provided by the victim to the law enforcement agency and shall not include any criminal investigatory records or other information deemed confidential pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.).

d. Every victim of sexual assault shall have the right to be notified of the prosecuting authority's decision to file, or decline to file, criminal charges pursuant to N.J.S.2C:14-2.

e. A prosecuting authority investigating an allegation of sexual assault shall:

(1) advise the victim of the right to be notified of the prosecuting authority's decision to file, or decline to file, criminal charges in the case;

(2) ask the victim whether the victim would like to exercise this right, and, if so, obtain the victim's written consent to be, or not to be, notified of the prosecuting authority's charging decision;

(3) if the victim requests to be notified, provide that notification via the victim's preferred method including, but not limited to:

(a) an in-person meeting;

(b) telephone call or text message; or

(c) video conference.

f. The prosecuting authority shall make a good faith effort to obtain written acknowledgement of the charging decision from a victim who has requested notification pursuant to paragraphs (2) and (3) of subsection e. of this section prior to notifying the alleged perpetrator of the sexual assault of the charging decision, unless the victim is unavailable; the victim declines to provide the acknowledgement; or the prosecutor is unable to locate the victim following a good faith effort to do so, in which case the prosecutor shall document the good faith effort made and the basis for failure to obtain the acknowledgement.

g. A victim shall not publicly disclose the charging decision until the prosecuting authority has provided written notification of the decision to the alleged perpetrator. Written notification may be made via email.

h. Whenever there is a prosecution for a violation of N.J.S.2C:14-2, the victim of the sexual assault shall be provided an opportunity to consult with the prosecuting authority prior to the conclusion of any plea negotiations.

Nothing contained herein shall be construed to alter or limit the authority or discretion of the prosecutor to enter into any plea agreement which the prosecutor deems appropriate.

2. This act shall take effect immediately.

Approved April 19, 2021.

CHAPTER 64

AN ACT concerning reporting of sexual assault cases and supplementing P.L.1985, c.404.

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

C.52:4B-44.4 Reporting of sexual assault, criminal sexual contact cases.

1. a. The Attorney General, in consultation with the county prosecutors, regularly shall report cases of sexual assault and criminal sexual contact in this State. Information to be reported shall include, but not be limited to, the number of sexual assault and criminal sexual contact cases:

- (1) reported to law enforcement agencies;
- (2) in which reports or complaints were filed by victims;
- (3) referred to the county prosecutor;
- (4) declined to be prosecuted by the county prosecutor and further classified by categorical description of the reason for declining;
- (5) resulting in indictments or other charges;
- (6) downgraded from the New Jersey Superior Court to municipal court;
- (7) resulting in a plea-agreement and the specific disposition of the case; and
- (8) presented for trial and the specific disposition of the case.

b. The Attorney General shall include in the report any other relevant information concerning statutory obligations to respond to and investigate sexual assault or criminal sexual contact cases.

c. The Attorney General annually shall prepare a report summarizing the information required pursuant to subsection a. of this section. The annual

report shall not contain any personal or identifying information about any victim. The Attorney General shall submit the annual report to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature. The annual report also shall be posted on the official website of the Department of Law and Public Safety.

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

Approved April 19, 2021.

CHAPTER 65

AN ACT establishing sexual violence liaison officers in certain police departments and supplementing Title 52 of the Revised Statutes and Title 40A of the New Jersey Statutes.

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

C.52:17B-9.20 Appointment of sexual violence liaison officer by state police.

1. a. The Superintendent of State Police shall designate the Station Intervention Officer as the sexual violence liaison officer for each State Police station.

b. The sexual violence liaison officer shall:

(1) serve as the station's in-house expert on how to respond to sexual violence cases;

(2) act as the primary point-of-contact for each local sexual violence program and county Sexual Assault Response Team established pursuant to section 6 of P.L.2001, c.81 (C.52:4B-54) to coordinate an effective community response;

(3) when appropriately trained, provide in-house training on sexual violence and support training implementation by the Victim Services Unit;

(4) monitor the station's compliance with sexual violence best practices as set forth in the statutory law and Attorney General policies; and

(5) serve in any other capacity deemed appropriate by the superintendent.

c. A sexual violence liaison officer shall complete specialized sexual violence training as specified by the superintendent.

d. A regional investigator of the Victim Services Unit of the Division of State Police shall:

(1) be a member of the Victim Services Unit, or its successor;

(2) complete specialized sexual violence training as specified by the superintendent; and

(3) represent the station at county meetings of the Sexual Assault Response Team.

e. A member of the Division of State Police shall be disqualified from serving as a sexual violence liaison officer or regional investigator of the Victim Services Unit if:

(1) the member is the subject of an investigation for a complaint charging a violation of the internal rules and regulations established for the conduct of the division regarding sexual violence, sexual misconduct, domestic violence, stalking, or sexual harassment or there are pending criminal charges against the member for any of these offenses; or

(2) a court has issued a protective or restraining order against the member.

f. Nothing in this section shall prohibit the sexual violence liaison officer from simultaneously serving as a domestic violence liaison officer or Megan's Law resource officer.

C.40A:14-118.6 Appointment of sexual violence liaison officer by municipal police department.

2. a. The chief of police or other executive head of a municipal police department and force established pursuant to the provisions of N.J.S.40A:14-118 shall appoint a full-time sworn officer of the department and force to serve as a sexual violence liaison officer.

b. The sexual violence liaison officer shall:

(1) serve as the department and force in-house expert on how to respond to sexual violence cases;

(2) act as the primary point-of-contact for each local sexual violence program and county Sexual Assault Response Team established pursuant to section 6 of P.L.2001, c.81 (C.52:4B-54) to coordinate an effective community response;

(3) represent the department and force at county meetings of the Sexual Assault Response Team;

(4) when appropriately trained, provide in-house training on sexual violence;

(5) monitor the department and force's compliance with sexual violence best practices as set forth in the statutory law and Attorney General policies; and

(6) serve in any other capacity deemed appropriate by the chief of police or other executive head of the department or force.

c. A sexual violence liaison officer shall complete specialized sexual violence training as specified by the chief of police or other executive head of the municipal police department and force.

d. An officer of the department or force shall be disqualified from serving as a sexual violence liaison officer if:

(1) the officer is the subject of an investigation for a complaint charging a violation of the internal rules and regulations established for the conduct of the department and force regarding sexual violence, sexual misconduct, domestic violence, stalking, or sexual harassment or there are pending criminal charges against the officer for any of these offenses; or

(2) a court has issued a protective or restraining order against the officer.

e. Nothing in this section shall prohibit the sexual violence liaison officer from simultaneously serving as a domestic violence liaison officer or a Megan's Law resource officer.

f. Nothing in this section shall preclude a municipal department and force from:

(1) appointing more than one sexual violence liaison officer; or

(2) appointing the sexual violence liaison officer of another municipal or county department and force as the liaison officer for the department and force provided the liaison officer can adequately perform the duties required of the officer pursuant to subsection b. of this section.

C.40A:14-106.4 Appointment of sexual violence liaison officer by county police department.

3. a. The chief of police or other executive head of a county police department and force established pursuant to the provisions of N.J.S.40A:14-106 through N.J.S.40A:14-117 shall appoint a full-time sworn officer of the department and force to serve as the sexual violence liaison officer.

b. The sexual violence liaison officer shall:

(1) serve as the department and force in-house expert on how to conduct sexual violence cases;

(2) act as the primary point-of-contact for each local sexual violence program and county Sexual Assault Response Team as established pursuant to section 6 of P.L.2001, c.81 (C.52:4B-54) to coordinate an effective community response;

(3) represent the department and force at county meetings of the Sexual Assault Response Team;

(4) when appropriately trained, provide in-house training on sexual violence;

(5) monitor the department and force's compliance with sexual violence best practices as set forth in the statutory law and Attorney General policies; and

(6) serve in any other capacity deemed appropriate by the chief of police or other executive head of the department or force.

c. A sexual violence liaison officer shall complete specialized sexual violence training as specified by the chief of police or other executive head of the county police department and force.

d. An officer of the department or force shall be disqualified from serving as a sexual violence liaison officer if:

(1) the officer is the subject of an investigation for a complaint charging a violation of the internal rules and regulations established for the conduct of the department and force regarding sexual violence, sexual misconduct, domestic violence, stalking, or sexual harassment or there are pending criminal charges against the officer for any of these offenses; or

(2) a court has issued a protective or restraining order against the officer.

e. Nothing in this section shall prohibit the sexual violence liaison officer from simultaneously serving as a domestic violence liaison officer or a Megan's Law resource officer.

f. Nothing in this section shall preclude a county department and force from:

(1) appointing more than one sexual violence liaison officer; or

(2) appointing the sexual violence liaison officer of another municipal or county department and force as the liaison officer for the department and force provided the liaison officer can adequately perform the duties of the office pursuant to subsection b. of this section.

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

Approved April 19, 2021.

CHAPTER 66

AN ACT concerning prosecutor training, supplementing chapter 4B of Title 52 of the Revised Statutes, and amending P.L.2001, c.81.

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

C.52:4B-54.2 In-service training course on how to handle, investigate, and respond to reports of sexual assault.

1. a. The Division of Criminal Justice shall develop or approve a triennial in-service training course and curriculum specifically for every county prosecutor and each assistant county prosecutor to whom sexual assault cases are assigned on how to appropriately handle, investigate, and respond to reports of sexual assault.

b. The training course and curriculum shall include a component emphasizing the value of restorative justice in sexual assault cases.

c. The division shall make the training course and curriculum available to all county prosecutor's offices in the State.

d. The division shall review the training course and curriculum every five years, in consultation with nationally recognized trainers with expertise in trauma informed care and the New Jersey Coalition Against Sexual Assault, and make any necessary modifications.

e. The division may make the training course and curriculum available in an online format, but prosecutors shall complete the course and curriculum in person every six years.

f. The Attorney General shall be responsible for ensuring that all county prosecutors and appropriate assistant county prosecutors triennially complete the in-service training on handling sexual assault matters required by this section.

g. A county prosecutor or assistant county prosecutor appointed after the effective date of P.L.2021, c.66 (C.52:4B-54.2 et al.) shall complete the training course and curriculum within 60 days of the prosecutor's initial appointment. The division shall determine whether training in the handling of sexual assault cases completed by a prosecutor appointed prior to the effective date of P.L.2021, c.66 (C.52:4B-54.2 et al.) complies with the requirements of this section. If the training does not comply with these requirements, the prosecutor shall complete the training course and curriculum required by this section within 60 days of the effective date of P.L.2021, c.66 (C.52:4B-54.2 et al.).

h. The division shall develop an open process pursuant to which the division will accept bids by organizations to assist in developing and providing the training required by this section.

2. Section 8 of P.L.2001, c.81 (C.52:4B-56) is amended to read as follows:

C.52:4B-56 Sexual assault unit within Department of Law and Public Safety.

8. The Attorney General shall establish a sexual assault unit within the Department of Law and Public Safety which shall include a sexual assault investigator and a certified forensic sexual assault nurse examiner.

The unit shall oversee the operation of the county sexual assault nurse examiner programs, and provide assistance to counties in the investigation and prosecution of sexual assaults. The unit shall review all complaints received regarding a county's investigation and prosecution of a sexual assault and shall provide recommendations to the Attorney General regarding the county's investigation and prosecution of the case. The unit also shall provide training to law enforcement officials and county prosecutors, on an ongoing basis, in the investigation and prosecution of sexual assault. Any training the unit may provide to county prosecutors and assistant county prosecutors shall comply with the requirements of section 1 of P.L.2021, c.66 (C.52:4B-54.2).

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

Approved April 19, 2021.

CHAPTER 67

A SUPPLEMENT to the Fiscal Year 2021 appropriations act, P.L.2020, c.97.

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

1. In addition to the amounts appropriated under P.L.2020, c.97, the annual appropriations act for Fiscal Year 2021, and upon certification by the Director of the Division of Budget and Accounting in the Department of the Treasury that federal funds to support the expenditures listed below are available, the following sum is appropriated:

10 DEPARTMENT OF AGRICULTURE
40 Community Development and Environmental Management
49 Agricultural Resources, Planning, and Regulation
GRANTS-IN-AID

05-3350 Food and Nutrition Services	<u>\$10,000,000</u>
Total Grants-in-Aid Appropriation	
Agricultural Resources, Planning, and Regulation	<u>\$10,000,000</u>

Grants-in-Aid:

05 Coronavirus Relief Fund – Assistance to Food
Bank Organizations.....(\$10,000,000)

The amount hereinabove appropriated for Coronavirus Relief Fund – Assistance to Food Bank Organizations shall be allocated from a portion of those federal block grant funds allocated to the State from the “Coronavirus Relief Fund,” established pursuant to the federal “Coronavirus Aid, Relief, and Economic Security Act,” Pub.L.116-136.

Of the amount hereinabove appropriated for Coronavirus Relief Fund – Assistance to Food Bank Organizations \$9,900,000 shall be allocated as follows: the Community Food Bank of New Jersey, \$5,200,000; the Food Bank of South Jersey, \$1,500,000; Fulfill Monmouth & Ocean, \$1,500,000; Mercer Street Friends Food Bank, \$1,100,000; Norwescap, \$300,000; and Southern Regional Food Distribution Center, \$300,000 .

Of the amount hereinabove appropriated for Coronavirus Relief Fund – Assistance to Food Bank Organizations, \$100,000 shall be allocated to the New Jersey Agricultural Society - Farmers Against Hunger Program to support the collection and distribution of excess food from farms, markets, and other entities to organizations that provide food to persons in need.

2. This act shall take effect immediately.

Approved April 21, 2021.

CHAPTER 68

AN ACT concerning prevailing wages and benefits of certain airport and train station workers and amending and supplementing P.L.2005, c.379.

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

1. Section 1 of P.L.2005, c.379 (C.34:11-56.58) is amended to read as follows:

C.34:11-56.58 Prevailing wage levels for certain employees.

1. a. It is declared to be the public policy of this State to establish prevailing wage levels for the employees of contractors and subcontractors furnishing building services for any property or premises owned or leased by

the State in order to safeguard the efficiency and general well-being of those employees and to protect them and their employers from the effects of serious and unfair competition based on low wage levels which are detrimental to efficiency and well-being.

b. It is further declared that:

In 2018, over 30 million passengers traveled through Newark Liberty International Airport, making this airport, combined with the Newark Liberty International Airport Train Station, one of the busiest transit hubs in the country.

The workers at the airport and train station often cannot afford employer-provided healthcare plans, and unaffordable healthcare expenses is one of the sources of the high rates of turnover for the workers in the airport and train station.

Improved retention rates of workers in the airport and train station is an investment in service and safety for all who pass through the airport and train station and compensating these workers so that they can afford healthcare and receive a prevailing wage is a way to increase retention.

2. Section 2 of P.L.2005, c.379 (C.34:11-56.59) is amended to read as follows:

C.34:11-56.59 Definitions relative to prevailing wage levels for certain employees.

2. As used in this act:

"Commissioner" means the Commissioner of Labor and Workforce Development or the commissioner's duly authorized representatives.

"Building services" means any cleaning or building maintenance work, including but not limited to sweeping, vacuuming, floor cleaning, cleaning of rest rooms, collecting refuse or trash, window cleaning, engineering, securing, patrolling, or other work in connection with the care, securing, or maintenance of an existing building, except that "building services" shall not include any maintenance work or other public work for which a contractor is required to pay the "prevailing wage" as defined in section 2 of P.L.1963, c.150 (C.34:11-56.26).

"Leased by the State" means that not less than 55% of the property or premises is leased by the State, provided that the portion of the property or premises that is leased by the State measures more than 20,000 square feet.

"Prevailing wage for building services and covered airport or related location workers" means the wage and benefit rates designated by the commissioner based on the determinations made by the General Services Administration pursuant to the federal McNamara-O'Hara Service Contract Act of

1965 (41 U.S.C. s.6701 et seq.), for the appropriate localities and classifications of building service employees; provided, however, that in no event shall the prevailing wage rate applicable to a covered airport or related location worker on and after September 1, 2021 and every year thereafter be less than the following:

(1) any otherwise applicable minimum wage rate established through a policy of the Port Authority of New York and New Jersey; and

(2) an amount of wages or supplements equal to the rate for health and welfare for all occupations, designated by the commissioner based on the determinations made by the federal department of labor pursuant to the McNamara-O'Hara Service Contract Act of 1965 (41 U.S.C. s.6701 et seq.) for the geographic region in which the covered airport location is located and in effect on the date of the designation by the commissioner; and

(3) paid leave equal to the paid leave requirements designated by the Commissioner the immediately preceding August 1, based on the determinations made by the General Services Administration pursuant to the McNamara-O'Hara Service Contract Act of 1965 (41 U.S.C. s.6701 et seq.).

"The State" means the State of New Jersey and all of its departments, bureaus, boards, commissions, agencies and instrumentalities, including any State institutions of higher education, but does not include political subdivisions.

"State institutions of higher education," means Rutgers, The State University of New Jersey, Rowan University, the New Jersey Institute of Technology, and Montclair State University, and any of the State colleges or universities established pursuant to chapter 64 of Title 18A of the New Jersey Statutes, but does not include any county college established pursuant to chapter 64A of Title 18A of the New Jersey Statutes.

"Covered airport or related location" means the Newark Liberty International Airport and the Newark Liberty International Airport Train Station.

"Covered airport or related location employer" means:

(1) any person, corporation, limited liability company, or association employing any covered airport or related location worker in an occupation, industry, trade, business or service; or

(2) any person who contracts with a person to perform work related to the preparation or delivery of food for consumption on airplanes departing from a covered airport or related location.

"Covered airport or related location employer" shall not include a public agency.

"Covered airport or related location worker" means:

(1) any person employed to perform work at a covered airport or related location, provided at least half of the employee's time during any workweek is performed at a covered airport and related location; or

(2) any person who performs work related to the preparation or delivery of food for consumption on airplanes departing from a covered airport or related location.

"Covered airport or related location worker" shall not include persons employed in an executive, administrative, or professional capacity as defined in subparagraph 1 of paragraph (a) of section 13 of the Fair Labor Standards Act of 1938 (29 U.S.C. s.213 et seq.), persons employed by a public agency.

"Public agency" means:

(1) any department or agency of the State of New Jersey and any political subdivision thereof;

(2) the New Jersey Transit Corporation; and

(3) the Port Authority of New York and New Jersey.

3. Section 4 of P.L.2005, c.379 (C.34:11-56.61) is amended to read as follows:

C.34:11-56.61 Record of employee wages, benefits.

4. Each contractor and subcontractor shall keep an accurate record showing the name, classification, and actual hourly rate of wages and any benefits paid to each worker employed by him to perform building services pursuant to a State contract or subcontract, and shall preserve those records for two years after the date of payment. Each covered airport or related location employer shall keep an accurate record showing the name, classification, and actual hourly rate of wages and any benefits paid to each covered airport or related location employee, and shall preserve those records for two years after the date of payment. Such records shall be open at all reasonable hours to inspection by the Director of the Division of Purchase and Property and the commissioner.

4. Section 5 of P.L.2005, c.379 (C.34:11-56.62) is amended to read as follows:

C.34:11-56.62 Civil action to recover prevailing wage.

5. Any worker paid less than the prevailing wage for building services and covered airport or related location workers to which the worker is entitled by the provisions of this act may recover in a civil action the full amount of the prevailing wage for building services and covered airport or related location

workers less any amount actually paid to the worker by the employer together with any costs and reasonable attorney's fees allowed by the court, and an agreement between the worker and the employer to work for less than the prevailing wage for building services and covered airport or related location workers shall not be a defense to the action. The worker shall be entitled to maintain an action for and on behalf of the worker or other workers similarly situated and the worker or workers may designate an agent or representative to maintain such actions for and on behalf of all workers similarly situated. At the request of any worker paid less than the prevailing wage for building services and covered airport or related location workers required under the provisions of this act, the commissioner may take an assignment of the wage claim in trust for the assigning worker or workers and may bring any legal action necessary to collect the claim, and the employer shall be required to pay any costs and such reasonable attorney's fee as are allowed by the court.

5. Section 6 of P.L.2005, c.379 (C.34:11-56.63) is amended to read as follows:

C.34:11-56.63 Authority of commissioner.

6. The commissioner shall have the authority to:

a. investigate and ascertain the wages of any employees of a contractor or subcontractor furnishing building services for any property or premises owned or leased by the State, or of any covered airport or related location workers;

b. enter and inspect the place of business or employment of any contractor or subcontractor furnishing building services for any property or premises owned or leased by the State, or of any covered airport or related location employer for the purpose of examining and inspecting any or all books, registers, payrolls, and other records of any such contractor or subcontractor, or of any covered airport or related location employer that in any way relate to or have a bearing upon the question of wages, hours, and other conditions of employment of any employees of such contractor or subcontractor, or of any covered airport or related location workers; copy any or all of such books, registers, payrolls, and other records as the commissioner may deem necessary or appropriate; and question the employees of such contractor or subcontractor or any covered airport or related location workers for the purpose of ascertaining whether the provisions of this act have been and are being complied with;

c. require from such contractor or subcontractor, or covered airport or related location employer, full and correct statements in writing, including

sworn statements, with respect to wages, hours, names, addresses, and other information pertaining to the contractor or subcontractor's workers, or covered airport or related location workers, and their employment as the commissioner may deem necessary or appropriate; and

d. require any contractor or subcontractor, or covered airport or related location employer, to file, within 10 days of receipt of a request, any records enumerated in subsections b. and c. of this section, sworn as to their validity and accuracy. If the contractor or subcontractor fails to provide the requested records within 10 days, the State Treasurer may immediately withhold from payment to the employer up to 25% of the amount, not to exceed \$100,000, to be paid to the employer under the terms of the contract pursuant to which the building services work is being performed. The amount withheld shall be immediately released upon receipt by the State Treasurer of a notice from the commissioner indicating that the request for records has been satisfied.

6. Section 7 of P.L.2005, c.379 (C.34:11-56.64) is amended to read as follows:

C.34:11-56.64 Violations; fines, penalties.

7. Any contractor or subcontractor, or covered airport or related location employer, who willfully hinders or delays the commissioner in the performance of the commissioner's duties in the enforcement of this act, or fails to make, keep, and preserve any records as required under the provisions of this act, or falsifies any such record, or refuses to make any such record accessible to the commissioner upon demand, or refuses to furnish a sworn statement of such record or any other information required for the proper enforcement of this act to the commissioner upon demand, or pays or agrees to pay wages at a rate less than the rate applicable under this act or otherwise violates any provision of this act or of any regulation or order issued under this act shall be guilty of a disorderly persons offense and shall, upon conviction therefor, be fined not less than \$100.00 nor more than \$1,000 or be imprisoned for not less than 10 nor more than 90 days, or by both such fine and imprisonment. Each week, in any day of which a worker is paid less than the rate applicable to that worker under this act and each worker so paid, shall constitute a separate offense.

As an alternative to or in addition to any other sanctions provided by law for violations of any provision of this act, if the commissioner finds that a contractor or subcontractor, or covered airport or related location employer, has violated the act, the commissioner is authorized to assess and collect administrative penalties, up to a maximum of \$250 for a first violation and up to a maximum of \$500 for each subsequent violation, specified in a schedule

of penalties to be promulgated as a rule or regulation by the commissioner in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C. 52:14B-1 et seq.). When determining the amount of the penalty imposed because of a violation, the commissioner shall consider factors which include the history of previous violations by the contractor or subcontractor, or covered airport or related location employer, the seriousness of the violation, the good faith of the contractor or subcontractor, or covered airport or related location employer, and the size of the contractor's or subcontractor's, or covered airport or related location employer's, business. No administrative penalty shall be levied pursuant to this section unless the commissioner provides the alleged violator with notification of the violation and of the amount of the penalty by certified mail and an opportunity to request a hearing before the commissioner or the commissioner's designee within 15 days following the receipt of the notice. If a hearing is requested, the commissioner shall issue a final order upon such hearing and a finding that a violation has occurred. If no hearing is requested, the notice shall become a final order upon expiration of the 15-day period. Payment of the penalty shall be due when a final order is issued or when the notice becomes a final order. Any penalty imposed pursuant to this section may be recovered with costs in a summary proceeding commenced by the commissioner pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). Any sum collected as a fine or penalty pursuant to this section shall be applied toward enforcement and administration costs of the Division of Workplace Standards in the Department of Labor and Workforce Development.

7. Section 8 of P.L.2005, c.379 (C.34:11-56.65) is amended to read as follows:

C.34:11-56.65 Alternative, additional sanctions, penalties.

8. As an alternative to any other sanctions or in addition thereto, herein or otherwise provided by law for violation of this act, the commissioner is authorized to supervise the payment of amounts due to workers under this act, and the contractor or subcontractor, or covered airport or related location employer, may be required to make these payments to the commissioner to be held in a special account in trust for the workers, and paid on order of the commissioner directly to the worker or workers affected. The contractor or subcontractor, or covered airport or related location employer shall also pay the commissioner an administrative fee equal to not less than 10% or more than 25% of any payment made to the commissioner pursuant to this section. The amount of the administrative fee shall be specified in a schedule of fees

to be promulgated by rule or regulation of the commissioner in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). The fee shall be applied toward enforcement and administration costs of the Division of Workplace Standards in the Department of Labor and Workforce Development.

8. Section 9 of P.L.2005, c.379 (C.34:11-56.66) is amended to read as follows:

C.34:11-56.66 Retaliation against complaining worker; offense, other sanctions, fines, penalties.

9. Any contractor or subcontractor, or covered airport or related location employer, who discharges or in any other manner discriminates against any worker because the worker has made any complaint to the worker's employer, to the State Treasurer or to the commissioner that the worker has not been paid wages in accordance with the provisions of this act, or because the worker has caused to be instituted or is about to cause to be instituted any proceeding under or related to this act, or because the worker has testified or is about to testify in any such proceeding shall be guilty of a disorderly persons offense and shall, upon conviction therefor, be fined not less than \$100 nor more than \$1,000.

As an alternative to or in addition to any other sanctions provided by law for violations of any provision of this act, if the commissioner finds that a contractor or subcontractor, or a covered airport or related location employer, has violated the act, the commissioner is authorized to assess and collect administrative penalties, up to a maximum of \$250 for a first violation and up to a maximum of \$500 for each subsequent violation, specified in a schedule of penalties to be promulgated as a rule or regulation by the commissioner in accordance with the "Administrative Procedure Act," P.L.1968, c. 410 (C. 52:14B-1 et seq.). When determining the amount of the penalty imposed because of a violation, the commissioner shall consider factors which include the history of previous violations by the contractor or subcontractor, or covered airport or related location employer, the seriousness of the violation, the good faith of the contractor or subcontractor, or covered airport or related location employer, and the size of the contractor's or subcontractor's, or covered airport or related location employer's, business. No administrative penalty shall be levied pursuant to this section unless the commissioner provides the alleged violator with notification of the violation and of the amount of the penalty by certified mail and an opportunity to request a hearing before the commissioner or the commissioner's designee within 15 days following the receipt of the notice. If a hearing is requested, the commissioner shall

issue a final order upon such hearing and a finding that a violation has occurred. If no hearing is requested, the notice shall become a final order upon expiration of the 15-day period. Payment of the penalty shall be due when a final order is issued or when the notice becomes a final order. Any penalty imposed pursuant to this section may be recovered with costs in a summary proceeding commenced by the commissioner pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). Any sum collected as a fine or penalty pursuant to this section shall be applied toward enforcement and administration costs of the Division of Workplace Standards in the Department of Labor and Workforce Development.

C.34:11-56.70a Covered airport, related location workers paid prevailing rate.

9. Not earlier than September 1, 2021, every covered airport or related location employer shall pay a covered airport or related location worker a wage of not less than the prevailing wage rate applicable to that covered airport or related location worker. Nothing in this article shall alter or limit any employer's obligation to pay any otherwise applicable prevailing wage under the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.) or the prevailing wage levels for the employees of contractors and sub-contractors furnishing building services established under P.L.2005, c.379 (C.34:11-56.58 et seq.).

C.34:11-56.70b Designation of supplemental benefits rate, paid leave requirements.

10. On August 1, 2021 and each August 1 thereafter, the commissioner shall designate the supplemental benefits rate and paid leave requirements required under the determinations made by the General Services Administration pursuant to the federal McNamara-O'Hara Service Contract Act of 1965 (41 U.S.C. s.6701 et seq.). The commissioner shall publicly post the designated supplemental benefits rates and paid leave requirements.

C.34:11-56.70c Rules, regulations.

11. The commissioner, in consultation with the Department of Transportation and the Attorney General, shall promulgate rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), within six months of the date of enactment of this act, to implement the provisions of this act.

12. This act shall take effect immediately.

Approved April 29, 2021.

CHAPTER 69

AN ACT expanding opportunity in project labor agreements and amending P.L.2002, c.44.

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

1. Section 2 of P.L.2002, c.44 (C.52:38-2) is amended to read as follows:

C.52:38-2 Definitions relative to project labor agreements.

2. For the purposes of this act:

"Apprenticeship program" means a registered apprenticeship program providing to each trainee combined classroom and on-the-job training under the direct and close supervision of a highly skilled worker in an occupation recognized as an apprenticeable trade, and registered by the Office of Apprenticeship of the U.S. Department of Labor and meeting the standards established by the office, or registered by a State apprenticeship agency recognized by the office.

"Disadvantaged community" means a census block group, as determined in accordance with the most recent United States Census, in which:

- (1) at least 35 percent of the households are low-income households;
- (2) at least 40 percent of the residents are minority group members or members of a State-recognized tribal community; or
- (3) at least 40 percent of the households have limited English proficiency.

"Labor organization" means, with respect to a contracted work on a public works project, an organization which represents, for purposes of collective bargaining, employees involved in the performance of public works contracts and eligible to be paid prevailing wages under the "New Jersey Prevailing Wage Act", P.L.1963, c.150 (C.34:11-56.25 et seq.) and has the present ability to refer, provide or represent sufficient numbers of qualified employees to perform the contracted work, in a manner consistent with the provisions of this act and any plan mutually agreed upon by the labor organization and the public entity pursuant to subsection g. of section 5 of this act.

"Low-income household" means a household that is at or below twice the poverty threshold as that threshold is determined annually by the United States Census Bureau.

"Political subdivision" means any county, municipality, school district or other political subdivision of the State of New Jersey or any instrumentality or agency of the political subdivision.

"Project labor agreement" means a form of pre-hire collective bargaining agreement covering terms and conditions of a specific project.

"Public entity" means the State, any of its political subdivisions, any authority created by the Legislature and any instrumentality or agency of the State or of any of its political subdivisions.

"Public works project" means any public works project for construction, reconstruction, demolition or renovation for which:

(1) It is required by law that workers be paid the prevailing wage determined by the Commissioner of Labor and Workforce Development pursuant to the provisions of the "New Jersey Prevailing Wage Act", P.L.1963, c.150 (C.34:11-56.25 et seq.); and

(2) The public entity estimates that the total cost of the project, exclusive of any land acquisition costs, will equal or exceed \$5 million.

2. Section 3 of P.L.2002, c.44 (C.52:38-3) is amended to read as follows:

C.52:38-3 Public entity to include project labor agreements in certain public works projects.

3. A public entity may include a project labor agreement in a public works project on a project-by-project basis, if the public entity determines, taking into consideration the size, complexity and cost of the public works project, that, with respect to that project the project labor agreement will meet the requirements of section 5 of this act, including promoting labor stability and advancing the interests of the public entity in cost, efficiency, skilled labor force, quality, safety and timeliness, and, in the case of a public entity which is a political subdivision, promotes employment of residents of the political subdivision. If the public entity determines that a project labor agreement will meet those requirements with respect to a particular public works project, the public entity shall either: directly negotiate in good faith a project labor agreement with one or more labor organizations; or condition the award of a contract to a construction manager upon a requirement that the construction manager negotiate in good faith a project labor agreement with one or more labor organizations. Upon the request of the public entity, the Commissioner of Labor shall assist in facilitating the negotiation of the project labor agreement. The decision by the public entity to require the inclusion of a project labor agreement requirement shall not be deemed to unduly restrict competition if the public entity finds that the project labor agreement is reasonably related to the satisfactory performance and completion of the public works project, and any bidder for the public works project refusing to agree to abide by the conditions of the project labor agreement or the requirement to negotiate a

project labor agreement shall not be regarded as a responsible bidder. Upon the request of the public entity, the Commissioner of Labor shall review the finalized project labor agreement and provide to the public entity, not more than 30 calendar days after the agreement is submitted to the commissioner by the public entity, a written advisory statement regarding whether the project labor agreement conforms with the provisions of this act.

3. Section 4 of P.L.2002, c.44 (C.52:38-4) is amended to read as follows:

C.52:38-4 Project labor agreement binding, certain stipulations required.

4. Any project labor agreement negotiated pursuant to this act between the public entity or its representative or a construction manager and one or more labor organizations shall be binding on all contractors and subcontractors working on the public works project and may include provisions that permit contractors and subcontractors working on the public works project to retain a percentage of their current workforce, and provisions that the successful bidder and any subcontractor of the bidder need not be a party to a labor agreement with the labor organizations other than for the public works project covered by the project labor agreement. Each project labor agreement shall stipulate that:

a. the provisions of the project labor agreement shall apply to work done at construction sites of the public works project and shall not apply to work done outside of those sites; and

b. if a union trust fund covered by the terms and conditions of the project labor agreement has not adopted the building and construction industry exemption authorized by subsection (b) of section 4203 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. s.1383(b)), the signatory employers shall not be obligated to hire employees covered by that fund.

4. Section 5 of P.L.2002, c.44 (C.52:38-5) is amended to read as follows:

C.52:38-5 Requirements for project labor agreement.

5. Each project labor agreement executed pursuant to the provisions of this act shall:

a. Advance the interests of the public entity, including the interests in cost, efficiency, quality, timeliness, skilled labor force, and safety;

b. Contain guarantees against strikes, lock-outs, or other similar actions;

c. Set forth effective, immediate, and mutually binding procedures for resolving jurisdictional and labor disputes arising before the completion of the work;

d. Be made binding on all contractors and subcontractors on the public works project through the inclusion of appropriate bid specifications in all relevant bid documents;

e. Require that each contractor and subcontractor working on the public works project have an apprenticeship program;

f. Fully conform to all statutes, regulations, executive orders and applicable local ordinances regarding the implementation of set-aside goals for women and minority owned businesses, the obligation to comply with which shall be expressly provided in the project labor agreement;

g. Include a publicly available plan regarding:

(1) the shares of employment and apprenticeship positions in the public works project for minority group members, members of disadvantaged communities, and women which are in full conformance with the requirements of all applicable statutes, regulations, executive orders and local ordinances and is mutually agreed upon by the participating labor organizations and the public entity which will own the facilities which are built, altered or repaired under the public works project, provided that any shares mutually agreed upon pursuant to this subsection shall equal or exceed the requirements of other statutes, regulations, executive orders or local ordinances; and

(2) all measures and programs to be undertaken to attain the goals of paragraph (1) of this subsection regarding minority group members, members of disadvantaged communities, and women, which may include measures giving them priority in referral and placement from the hiring halls of signatory unions, programs to provide on-the-job or off-the-job outreach and training, and programs to provide incentives for, or otherwise facilitate, their hiring and employment;

h. Require the contract for the public works project to provide whatever resources may be needed to prepare for apprenticeship a number of women, members of disadvantaged communities, and minority group members sufficient to enable compliance with the plan agreed upon pursuant to subsection g. of this section and provide that the use of those resources be administered jointly by the participating labor organizations and the public entity or community-based organizations selected by the public entity; and

i. Require the public body to monitor, or arrange to have a State agency monitor, the amount and share of work done on the project by minority group members, members of disadvantaged communities, and women and the progression of minority group members, members of disadvantaged communities, and women into apprentice and journey worker positions, and require

the public body to make public, or have the State agency make public, all records of monitoring conducted pursuant to this subsection.

5. This act shall take effect immediately.

Approved April 30, 2021.

CHAPTER 70

AN ACT establishing a State online electronic building permit review and inspection scheduling system, and supplementing and amending P.L.1975, c.217, and amending P.L.2005, c.212, and P.L.1979, c.121.

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

C.52:27D-124.4 "Electronic Permit Processing Review System."

1. a. The Commissioner of Community Affairs shall establish, develop, implement, and administer the "Electronic Permit Processing Review System." This electronic system shall be an Internet-based system allowing for the electronic submission of applications for construction permits, plans, and specifications pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), for the electronic review and approval of applications, plans, and specifications, for the scheduling of inspections, and for the exchange of information between the applicant, the applicant's professionals, and the department or enforcing agency during the review process. The electronic system shall offer a permit applicant:

- (1) the ability to submit the materials necessary for application review;
- (2) the ability to submit requests for on-site inspection of a project; and
- (3) continuous, 24-hour accessibility for the submission of both scheduling requests, and the materials necessary for the permit application review.

b. (1) Following the effective date of P.L.2021, c.70 (C.52:27D-124.4 et al.), the commissioner may make the electronic system accessible, and facilitate its use, through the acceptance of application materials and scheduling submissions, by:

(a) the department, with regard to applications for which the department approves plans and specifications pursuant to the "State Uniform Construction Code Act";

(b) local enforcing agencies; and

(c) private agencies providing plan review and inspection services.

(2) (a) Within one year following the effective date of P.L.2021, c.70 (C.52:27D-124.4 et al.), the commissioner shall fully implement the electronic system, and provide for its use, through the acceptance of application materials and scheduling submissions, by the department, with regard to applications for which the department approves plans and specifications pursuant to the "State Uniform Construction Code Act".

(b) Local enforcing agencies may elect to utilize the electronic system implemented by the department. In the alternative, a local enforcing agency may utilize a different electronic system, which system shall provide the same level of functionality as the system implemented by the department.

c. The commissioner shall provide training opportunities on the use of the electronic system for employees of local enforcing agencies and private agencies which provide plan review and inspection services.

d. The commissioner shall, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations to govern the form and format of applications for construction permits, plans, and specifications and other information exchanged through the electronic system. Notwithstanding the requirement, pursuant to subsection b. of this section, to accept electronically submitted materials within one year following the effective date of P.L.2021, c.70 (C.52:27D-124.4 et al.), the commissioner shall have the discretion to establish different submission requirements, including non-electronic submissions as necessary, for large, complicated, or otherwise unusual construction projects, so long as the system is designed to accept approximately 80 percent of construction permit application submissions electronically.

e. The department may waive a contrary form and format requirement imposed by statute or ordinance or by the rules of another department or agency for the submission of information in physical form to the extent the waiver is necessary to facilitate the submission of the information electronically. The department may accept an electronic reproduction of a signature, stamp, seal, certification, or notarization as the equivalent of the original or may accept the substitution of identifying information for the signature, stamp, seal, certification, or notarization. The department shall not waive any other requirement.

f. The commissioner may adopt, amend, and repeal rules and regulations providing for the charging of and setting the amount of construction permit surcharge fees to be collected by an enforcing agency or private agency. Fees shall be remitted to the department to defray the cost of developing and administering the electronic system by local enforcing agencies that have elected to utilize the electronic system implemented by the department.

g. A person exchanging information through the electronic system in a form and format acceptable to the department is not subject to any licensing sanction, civil penalty, fine, permit disapproval, or revocation or other sanction for failure to comply with a form or format requirement imposed by statute, ordinance, or rule for submission of the information in physical form, including but not limited to any requirement that the information be in a particular form or of a particular size, be submitted with multiple copies, be physically attached to another document, be an original document or be signed, stamped, sealed, certified, or notarized.

h. As used in this section, "form and format" means the arrangement, organization, configuration, structure, or style of, or method of delivery for, providing required information or providing the substantive equivalent of required information. "Form and format" does not mean altering the substance of information or the addition or omission of information.

2. Section 3 of P.L.2005, c.212 (C.52:27D-124.3) is amended to read as follows:

C.52:27D-124.3 Submittal of bid, proposal by private agency under local public contracts law.

3. A proposal by a private agency to provide inspection or plan review services to a municipality to administer the provisions of the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) shall be submitted in accordance with and shall be subject to the bidding and other provisions of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.). A municipality shall require, as part of the bid specifications, that a private agency participate in whichever electronic system the municipality has elected to utilize. A municipality shall require as part of the bid specifications that a private agency submit a bid or proposal in terms of a percentage of the costs charged by the department when it serves as a local enforcement agency pursuant to section 10 of P.L.1975, c.217 (C.52:27D-128). A municipality may include in the fee charged by it for work done by private agencies an amount sufficient to cover a proportionate share of administrative costs incurred by the local enforcing agency in connection with inspections performed by private agencies.

3. Section 3 of P.L.1979, c.121 (C.52:27D-126a) is amended to read as follows:

C.52:27D-126a Enforcing agency fees, surcharges.

3. Where the appointing authority of any municipality shall appoint an enforcing agency and construction board of appeals pursuant to section 8 of P.L.1975, c.217 (C.52:27D-126), the municipal governing body by ordinance, in accordance with standards established by the commissioner, shall set enforcing agency fees for plan review, construction permit, certificate of occupancy, demolition permit, moving of building permit, elevator permit and sign permit, provided, however, that such fees shall not exceed the annual costs for the operation of the enforcing agency. For the three-year period commencing with an enforcing agency's initial participation in the "Electronic Permit Processing Review System," developed and implemented pursuant to section 1 of P.L.2021, c.70 (C.52:27D-124.4), the municipal governing body may impose, and the enforcing agency may collect, construction permit surcharge fees to defray the enforcing agency's startup costs related to offering electronic plan review and scheduling. Surcharge fees shall be established in accordance with standards established by the commissioner.

4. Section 12 of P.L.1975, c.217 (C.52:27D-130) is amended to read as follows:

C.52:27D-130 Permit required; application; contents; issuance; transfer.

12. Except as otherwise provided by this act or in the code, before construction or alteration of any building or structure, the owner, or his agent, engineer or architect, shall submit an application in writing, including signed and sealed drawings and specifications, to the enforcing agency as defined in this act. When an enforcing agency begins to participate in the "Electronic Permit Processing Review System," pursuant to section 1 of P.L.2021, c.70 (C.52:27D-124.4), the owner, or his agent, engineer or architect, may submit applications and scheduling requests electronically. The application shall be in accordance with regulations established by the commissioner and on a form or in a format prescribed by the commissioner and shall be accompanied by payment of the fee to be established by the municipal governing body by ordinance in accordance with standards established by the commissioner. The application for a construction permit shall be filed with the enforcing agency and shall be a public record; and no application for a construction permit shall be removed from the custody of the enforcing agency after a construction permit has been issued. Nothing contained in this paragraph shall be interpreted as preventing the imposition of requirements in the code, for additional permits for particular kinds of work, including but not limited

to plumbing, electrical, elevator, fire prevention equipment or boiler installation or repair work, or in other defined situations.

Upon the transfer of ownership of property that is the subject of a construction permit, and prior to beginning or continuing work authorized by the construction permit, the new owner shall file with the enforcing agency an application for a permit update to notify the enforcing agency of the name and address of the new owner and of all other changes to information previously submitted to the enforcing agency. If the municipality has adopted an ordinance requiring a successor developer to furnish a replacement performance guarantee, and a performance guarantee has previously been furnished in favor of the municipality to assure the installation of on-tract improvements on the property that is the subject of an application for a permit update for the purpose of notifying the enforcing agency of the name and address of a new owner, the enforcing agency shall not approve the application for a permit update until it receives notification from the governing body or its designee that the new owner has furnished an adequate replacement performance guarantee.

No permit shall be issued for a public school facility unless the final plans and specifications have been first approved by the Bureau of Facility Planning Services in the Department of Education or a municipal code official who is appropriately licensed by the Commissioner of Community Affairs for the type and level of plans being reviewed. Approval by the Bureau of Facility Planning Services in the Department of Education shall only be required when a review for educational adequacy is necessary. Requirements determining when a review for educational adequacy is necessary shall be established jointly by the Department of Community Affairs and the Department of Education. The standards shall thereafter be adopted as part of the Uniform Construction Code regulations by the Department of Community Affairs. After the final plans and specifications have been approved for educational adequacy by the Bureau of Facility Planning Services in the Department of Education, a local board of education may submit the final plans and specifications for code approval to either the Bureau of Facility Planning Services in the Department of Education or a municipal code official who is appropriately licensed by the Commissioner of Community Affairs for the type and level of plans being reviewed. The Bureau of Facility Planning Services in the Department of Education when approving final plans and specifications shall be responsible for insuring that the final plans and specifications conform to the requirements of the code as well as for insuring that they provide for an educationally adequate facility. In carrying out its responsibility pursuant to the provisions of this section the Department of Education

shall employ persons licensed by the Commissioner of Community Affairs for the type and level of plans being reviewed.

5. This act shall take effect immediately.

Approved April 30, 2021.

CHAPTER 71

AN ACT establishing procedures for awarding design-build contracts and supplementing various parts of the statutory law.

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

C.52:35B-1 Short title.

1. This act shall be known and may be cited as the “Design-Build Construction Services Procurement Act.”

C.52:35B-2 Definitions.

2. As used in sections 2 through 9 of P.L.2021, c.71 (C.52:35B-2 through C.52:35B-9):

“Acceptance” means the adoption of a law, ordinance, or resolution by the State of New Jersey, any of its political subdivisions, any authority created by the Legislature of the State of New Jersey and any instrumentality or agency of the State of New Jersey or of any of its political subdivisions, authorizing the execution of a design-build contract.

“Contracting unit” means a government entity that enters into contracts pursuant to P.L.2007, c.137 (C.52:18A-235 et seq.); or chapters 32, 33, or 34 of Title 52 of the Revised Statutes.

“Delivery system” means the procedure used to develop and construct a project.

“Design-bid-build” means the delivery system used in public projects in which a licensed and prequalified design professional develops the project design in its entirety; the contracting unit then solicits bids and awards the contract to the lowest responsible bidder that demonstrates the ability to complete the project specified in the design.

“Design-build contract” means a contract between a contracting unit and a design-builder to provide labor, materials, and other construction services

for a public project. A design-build contract may be conditional upon subsequent refinements in scope and price, and may permit the contracting unit to make changes in the scope of the project without invalidating the design-build contract.

“Design-builder” means the entity, whether natural person, partnership, joint stock company, corporation, trust, professional corporation, business association, or other legal business entity or successor, that proposes to design and construct any public project, who is registered pursuant to the provisions of P.L.1999, c.238 (C.34:11-56.48 et seq.), and classified by the New Jersey Division of Property Management and Construction or the New Jersey Department of Transportation, where applicable, to perform work on a design-build project.

“Design professional” means the entity, whether natural person, partnership, joint stock company, corporation, trust, professional corporation, business association, or other legal business entity or successor that provides licensed and prequalified architectural, engineering, or surveying services in accordance with R.S.45:3-1 et seq., and P.L.1938, c.342 (C.45:8-27 et seq.), and that shall be responsible for planning, designing and observing the construction of the project or projects.

“Evaluation factors” means the requirements for the first phase of the selection process, and shall include, but not be limited to: specialized experience, training certification of professional and field workforce, technical competence, capacity to perform, safety modification rating, past performance and other appropriate factors. Price shall only be considered in the second phase of the selection process.

“Proposal” means an offer to enter into a design-build contract.

“Stipend” means the fee paid to a design-builder by the contracting unit to encourage competition.

C.52:35B-3 Design-build contracts permitted.

3. a. If a contracting unit determines in its discretion that the design-build approach meets their needs better than the traditional design-bid-build approach established under New Jersey public procurement statutes for the project or projects under consideration, it shall be the public policy of this State to permit that contracting unit to enter into design-build contracts as defined in section 2 of P.L.2021, c.71 (C.52:35B-2), provided the following conditions are met:

(1) The contracting unit shall, prior to issuing solicitations, publish procedures consistent with regulations promulgated by the contracting unit, where applicable for the solicitation and award of design-build contracts, and

shall adhere to sections 2 through 9 of P.L.2021, c.71 (C.52:35B-2 through C.52:35B-9) and those procedures; and

(2) The contracting unit shall, for each public project or projects under sections 2 through 9 of P.L.2021, c.71 (C.52:35B-2 through C.52:35B-9), make a determination based on the timeliness of the project or projects that it is in the best interest of the public to enter into a design-build contract to complete the public project or projects.

b. All workers employed in a design-build construction project shall be paid the prevailing wage determined by the Commissioner of Labor pursuant to the provisions of the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.).

c. Except where the contracting unit is the Department of Transportation, all design-build construction projects shall be encouraged to adhere to the Leadership in Energy and Environmental Design Green Building Rating System as adopted by the United States Green Building Council, the Green Globes Program adopted by the Green Building Initiative, or a comparable nationally recognized, accepted, and appropriate sustainable development system.

d. Notwithstanding the provisions of sections 2 through 9 of P.L.2021, c.71 (C.52:35B-2 through C.52:35B-9) to the contrary, an independent State transportation authority which already has an established prequalification, project rating, or proposal process for design-build contracts as of the effective date of P.L.2021, c.71 (C.52:35B-1 et al.) may continue to award design-build contracts pursuant to that process.

C.52:35B-4 Procedures for awarding design-build contracts.

4. a. The contracting unit shall adopt the following procedures for awarding design-build contracts:

(1) The contracting unit shall either appoint a licensed and prequalified design professional, or designate an employee of the contracting unit licensed to provide architectural, engineering, or surveying services, to provide technical advice, construction review services, and professional expertise on behalf of the contracting unit;

(2) The contracting unit shall develop, with the assistance of the design professional or designated employee, performance criteria and a scope of work statement that defines the project and provides prospective design-builders with sufficient information regarding the contracting unit's requirements. The statement shall include: evaluation factor criteria and preliminary design documents, general budget parameters, and general schedule or delivery requirements to enable the design-builders to submit proposals which meet the contracting unit's needs. When the design-build selection procedure is used and

the contracting unit contracts for development of the scope of work statement, the design-builder shall contract for architectural or engineering services as defined by and in accordance with R.S.45:3-1 et seq., P.L.1938, c.342 (C.45:8-27 et seq.), and all other applicable licensing statutes;

(3) Once the contracting unit has developed a scope of work statement which adequately defines the contracting unit's requirements for the project or projects, the contracting unit shall solicit proposals of qualification from design-builders. The contracting unit shall solicit proposals of qualification in accordance with the requirements of the applicable public procurement laws of the State of New Jersey.

(4) The contracting unit shall establish a technical review committee, which shall consist of a representative of the contracting unit, the contracting unit's project manager, and the contracting unit's authorized design professional. The contracting unit's attorney may advise the technical review committee. The technical review committee shall have the responsibility to evaluate bids based on rating and scoring proposals, and shall evaluate design-builders based on their qualifications. A member of the technical review committee shall not have a personal or financial interest in any of the design-builders submitting proposals.

b. The factors used to evaluate proposals of qualification shall be stated in the solicitation and shall include, but not be limited to: specialized experience and technical competence, training certification of professional and field workforce, principal location of the company, capability to perform, safety modification rating, past performance of the individual members of the design-builder's team in their respective capacities, including the architect-engineer and construction members of the team, and other appropriate technical and qualification factors as determined by the contracting unit, where applicable. Each solicitation for proposals of qualification shall establish the relative importance assigned to the evaluation factors and sub-factors to be considered.

c. A solicitation for proposals of qualification shall state the maximum number of design-builders that are to be selected to submit second proposals. The maximum number specified in the solicitation shall be at least two and shall not exceed six.

d. The contracting unit may offer a stipend, based upon the project size and type, which shall not exceed three percent of the project's estimated cost, to any design-builder providing design, construction information, or materials presented in response to a request for second proposals. This stipend is intended to encourage the submission of proposals and to increase competition.

e. On the basis of the proposal of qualification, the technical review committee shall select the most highly qualified number of design-builders specified in the solicitation and request the selected design-builders to submit a second

proposal and sealed bid. Each solicitation for second proposals shall establish the relative importance assigned to the evaluation factors to be considered.

f. The technical review committee shall evaluate each second proposal based on the technical submission for the proposal, including design concepts or proposed solutions to requirements addressed within the scope of work, and the evaluation factors, including a minimum of 50 percent consideration based on the cost of the bid.

g. The contracting unit shall separately evaluate the submissions described above, and award the contract in accordance with section 8 of P.L.2021, c.71 (C.52:35B-8).

C.52:35B-5 Evaluation factors included in request for proposal.

5. a. Each request for proposals shall contain evaluation factors prepared by a design professional or designated employee as defined in section 2 of P.L.2021, c.71 (C.52:35B-2). The design professional or designated employee that develops the evaluation factors shall be disqualified from submitting a proposal to enter into the design-build contract, and the design-builder shall not be permitted to delegate services under the design-build contract to the design professional or designated employee that developed the evaluation factors.

b. The design professional or designated employee that develops the evaluation factors shall be either an employee of the contracting unit or shall be engaged in compliance with applicable New Jersey public procurement laws, and to the extent allowed by law may delegate the development of specific aspects of the design criteria to other consultants.

c. The contracting unit, in consultation with the design professional or designated employee, shall determine the scope and level of detail required for the evaluation factors. The evaluation factors should be detailed enough to permit qualified persons to submit proposals in accordance with the solicitation, given the nature of the public project and the level of design to be provided in the proposal.

C.52:35B-6 Inclusions in solicitations for design-build contracts.

6. a. Solicitations for each design-build contract shall include, but not be limited to, the following:

(1) The identity of the contracting unit which shall award the design-build contract;

(2) The procedures to be followed for submitting proposals, the criteria for evaluation of proposals and their relative weight, and the procedures for making awards, including a reference to the requirements of sections 2

through 9 of P.L.2021, c.71 (C.52:35B-2 through C.52:35B-9) and the regulations of the contracting unit;

(3) The proposed terms and conditions for the design-build contract;

(4) A description of the drawings, specifications, or other submittals to be submitted with the proposal, with guidance as to the form and level of completeness of the drawings, specifications, or submittals that shall be acceptable;

(5) A schedule for planned commencement and completion of the design-build contract;

(6) Budget limits for the design-build contract, if any;

(7) Affirmative action, disadvantaged business or set-aside goals or requirements for the design-build contract, in accordance with the requirements of all rules, regulations, standards, or policies adopted by the contracting unit;

(8) The required qualifications of the design-builder;

(9) Requirements for contractors and the design professional to have performance bonds, payment bonds, and insurance, and to meet all the qualifications of the Division of Property Management and Construction in the Department of the Treasury or the Department of Transportation where applicable; and

(10) A statement that the prospective design-builder is in compliance with all applicable laws, including the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.), "The Public Works Contractor Registration Act," P.L.1999, c.238 (C.34:11-56.48 et seq.), and the "Construction Industry Independent Contractor Act," P.L.2007, c.114 (C.34:20-1 et seq.).

b. The solicitation may include any other information which the contracting unit in its discretion chooses to supply, including without limitation, surveys, soils reports, drawings or models of existing structures, environmental studies, photographs or references to public records.

c. Notice of solicitations shall be advertised in the same manner in which proposals generally are solicited for public projects.

C.52:35B-7 Required members of design-build team.

7. a. Each design-build team shall include a licensed or prequalified design professional independent from the contracting unit's licensed architect or engineer. The licensed or prequalified design professional shall be named in any proposal submitted to the contracting unit.

b. Proposals shall be sealed and shall not be opened until expiration of the time established for making proposals as set forth in the solicitation.

c. Proposals shall identify each person to whom the design-builder proposes to delegate obligations under the design-build contract. Persons so identified shall not be replaced without the approval of the contracting unit.

d. Proposals shall establish the cost of the design-build contract which shall not be exceeded if the proposal is accepted without change. Afterward, the maximum cost in the proposal may be converted to fixed prices by negotiated agreement between the contracting unit and the design-builder.

e. All proposals shall be received and opened at a previously announced time, where a synopsis of each shall be publicly read and recorded consistent with the provisions of subsection f. of this section.

f. Unless and until a proposal is accepted, the drawings, specifications and other information in the proposal shall remain the property of the person making the proposal. The contracting unit shall make reasonable efforts to maintain the secrecy and confidentiality of all proposals, and all information contained in the proposals, and shall not disclose the proposals or the information contained therein to the design-builders' competitors or the public. Once a proposal is accepted, the disclosure of the proposal and the information in the proposal, and the ownership of the drawings, specifications, and information therein, shall be determined in accordance with existing law and the terms of the design-build contract.

C.52:35B-8 Submission of received proposals:

8. a. Once received, proposals shall be submitted to the design professional or designated employee retained by the contracting unit. No proposal shall be considered until certification is issued by the design professional or designated employee retained by the contracting unit that the proposal is consistent with the evaluation factors. No proposal for a design-build contract may be accepted unless the contracting unit determines that there was adequate competition for such contract.

b. The technical review committee shall score the technical proposals using the criteria and methodology set forth in the request for proposals in accordance with paragraph (2) of subsection a. of section 6 of P.L.2021, c.71 (C.52:35B-6) and make an award recommendation to the head of the contracting unit. The head of the contracting unit shall make the design-build contract award decision, consistent with the award recommendation.

c. The contracting unit shall evaluate the received technical proposals and price bid against the published factors and weighting to arrive at a composite score. The contracting unit shall make public the design-builder to be awarded the contract for the project. After the award decision is made, the contracting unit shall make public the sealed price bid for each proposal submitted to the contracting unit by a design-builder.

d. Acceptance of a proposal shall be made by written notice to the design-builder which submitted the accepted proposal. At the same time notice

of acceptance is delivered, the contracting unit shall also inform, in writing, the other design-builders that their proposals were not accepted.

e. The contracting unit shall have the right to reject any and all proposals, except for the purpose of evading the provisions and policies of sections 2 through 9 of P.L.2021, c.71 (C.52:35B-2 through C.52:35B-9). The contracting unit shall solicit new proposals using the same evaluation factors, budget constraints, or qualifications, unless there has been a material change in circumstances affecting the needs of the contracting unit, including but not limited to an environmental issue, natural disaster, state of emergency, or unforeseen fiscal constraint.

f. Proposals may be withdrawn for any reason at any time prior to acceptance.

g. When a design-builder receives notification from a public body that the proposal, which it has submitted, has not been accepted, the design-builder may, within 30 days, request to review the design-build proposals submitted, the technical review committee evaluation scores from the selection process, and the final recommendation of award document. The design-builder shall submit this request in writing.

C.52:35B-9 Regulations.

9. Notwithstanding the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to the contrary, a contracting unit shall adopt, immediately upon filing with the Office of Administrative Law, regulations that the contracting unit deems necessary to implement the provisions of sections 2 through 9 of P.L.2021, c.71 (C.52:35B-2 through C.52:35B-9), which regulations shall be effective for a period not to exceed 180 days from the date of the filing. The contracting unit shall thereafter amend, adopt, or readopt the regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

C.18A:64-76.5 Definitions.

10. As used in sections 10 through 17 of P.L.2021, c.71 (C.18A:64-76.5 through C.18A:64-76.12):

"Acceptance" means the adoption of a law, ordinance, or resolution by the State of New Jersey, any of its political subdivisions, any authority created by the Legislature of the State of New Jersey and any instrumentality or agency of the State of New Jersey or of any of its political subdivisions, authorizing the execution of a design-build contract.

“Contracting unit” means a government entity that enters into contracts pursuant to the “State College Contracts Law,” P.L.1986, c.43 (C.18A:64-52 et seq.).

“Delivery system” means the procedure used to develop and construct a project.

“Design-bid-build” means the delivery system used in public projects in which a licensed and prequalified design professional or designated employee develops the project design in its entirety; the contracting unit then solicits bids and awards the contract to the lowest responsible bidder that demonstrates the ability to complete the project specified in the design.

“Design-build contract” means a contract between a contracting unit and a design-builder to provide labor, materials, and other construction services for a public project. A design-build contract may be conditional upon subsequent refinements in scope and price, and may permit the contracting unit to make changes in the scope of the project without invalidating the design-build contract.

“Design-builder” means the entity, whether natural person, partnership, joint stock company, corporation, trust, professional corporation, business association, or other legal business entity or successor, that proposes to design and construct any public project, who is registered pursuant to the provisions of P.L.1999, c.238 (C.34:11-56.48 et seq.), and classified by the New Jersey Division of Property Management and Construction or the New Jersey Department of Transportation, where applicable, to perform work on a design-build project.

“Design professional” means the entity, whether natural person, partnership, joint stock company, corporation, trust, professional corporation, business association, or other legal business entity or successor that provides licensed and prequalified architectural, engineering, or surveying services in accordance with R.S.45:3-1 et seq., and P.L.1938, c.342 (C.45:8-27 et seq.), and that shall be responsible for planning, designing and observing the construction of the project or projects.

“Evaluation factors” means the requirements for the first phase of the selection process, and shall include, but not be limited to: specialized experience, training certification of professional and field workforce, technical competence, capacity to perform, safety modification rating, past performance and other appropriate factors. Price shall only be considered in the second phase of the selection process.

“Proposal” means an offer to enter into a design-build contract.

“Stipend” means the fee paid to a design-builder by the contracting unit to encourage competition.

C.18A:64-76.6 Entry into design-build contracts permitted.

11. a. If a contracting unit determines in its discretion that the design-build approach meets their needs better than the traditional design-bid-build approach established under New Jersey public procurement statutes for the project or projects under consideration, it shall be the public policy of this State to permit that contracting unit to enter into design-build contracts as defined in section 10 of P.L.2021, c.71 (C.18A:64-76.5), provided the following conditions are met:

(1) The contracting unit shall, prior to issuing solicitations, publish procedures consistent with regulations promulgated by the Secretary of Higher Education, where applicable for the solicitation and award of design-build contracts, and shall adhere to sections 10 through 17 of P.L.2021, c.71 (C.18A:64-76.5 through C.18A:64-76.12) and those procedures; and

(2) The contracting unit shall, for each public project or projects under sections 10 through 17 of P.L.2021, c.71 (C.18A:64-76.5 through C.18A:64-76.12), make a determination based on the timeliness of the project or projects that it is in the best interest of the public to enter into a design-build contract to complete the public project or projects.

b. All workers employed in a design-build construction project shall be paid the prevailing wage determined by the Commissioner of Labor pursuant to the provisions of the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.).

c. All design-build construction projects shall be encouraged to adhere to the Leadership in Energy and Environmental Design Green Building Rating System as adopted by the United States Green Building Council, the Green Globes Program adopted by the Green Building Initiative, or a comparable nationally recognized, accepted, and appropriate sustainable development system.

C.18A:64-76.7 Procedures for awarding design-build contracts.

12. a. The contracting unit shall adopt the following procedures for awarding design-build contracts:

(1) The contracting unit shall either appoint a licensed and prequalified design professional, or designate an employee of the contracting unit licensed to provide architectural, engineering, or surveying services, to provide technical advice, construction review services, and professional expertise on behalf of the contracting unit;

(2) The contracting unit shall develop, with the assistance of the design professional or designated employee, performance criteria and a scope of work statement that defines the project and provides prospective design-builders

with sufficient information regarding the contracting unit's requirements. The statement shall include: evaluation factor criteria and preliminary design documents, general budget parameters, and general schedule or delivery requirements to enable the design-builders to submit proposals which meet the contracting unit's needs. When the design-build selection procedure is used and the contracting unit contracts for development of the scope of work statement, the design-builder shall contract for architectural or engineering services as defined by and in accordance with R.S.45:3-1 et seq., P.L.1938, c.342 (C.45:8-27 et seq.), and all other applicable licensing statutes;

(3) Once the contracting unit has developed a scope of work statement which adequately defines the contracting unit's requirements for the project or projects, the contracting unit shall solicit proposals of qualification from design-builders. The contracting unit shall solicit proposals of qualification in accordance with the requirements of the applicable public procurement laws of the State of New Jersey.

(4) The contracting unit shall establish a technical review committee, which shall consist of a representative of the contracting unit, the contracting unit's project manager, and the contracting unit's authorized design professional. The contracting unit's attorney may advise the technical review committee. The technical review committee shall have the responsibility to evaluate bids based on rating and scoring proposals, and shall evaluate design-builders based on their qualifications. A member of the technical review committee shall not have a personal or financial interest in any of the design-builders submitting proposals.

b. The factors used to evaluate proposals of qualification shall be stated in the solicitation and shall include, but not be limited to: specialized experience and technical competence, training certification of professional and field workforce, principal location of the company, capability to perform, safety modification rating, past performance of the individual members of the design-builder's team in their respective capacities, including the architect-engineer and construction members of the team, and other appropriate technical and qualification factors as determined by the Secretary of Higher Education, where applicable. Each solicitation for proposals of qualification shall establish the relative importance assigned to the evaluation factors and sub-factors to be considered.

c. A solicitation for proposals of qualification shall state the maximum number of design-builders that are to be selected to submit second proposals. The maximum number specified in the solicitation shall be at least two and shall not exceed six.

d. The contracting unit may offer a stipend, based upon the project size and type, which shall not exceed three percent of the project's estimated cost, to any design-builder providing design, construction information, or materials presented in response to a request for second proposals. This stipend is intended to encourage the submission of proposals and to increase competition.

e. On the basis of the proposal of qualification, the technical review committee shall select the most highly qualified number of design-builders specified in the solicitation and request the selected design-builders to submit a second proposal and sealed bid. Each solicitation for second proposals shall establish the relative importance assigned to the evaluation factors to be considered.

f. The technical review committee shall evaluate each second proposal based on the technical submission for the proposal, including design concepts or proposed solutions to requirements addressed within the scope of work, and the evaluation factors, including a minimum of 50 percent consideration based on the cost of the bid.

g. The contracting unit shall separately evaluate the submissions described above, and award the contract in accordance with section 16 of P.L.2021, c.71 (C.18A:64-76.11).

C.18A:64-76.8 Evaluation factors included in request for proposals.

13. a. Each request for proposals shall contain evaluation factors prepared by a design professional or designated employee as defined in section 10 of P.L.2021, c.71 (C.18A:64-76.5). The design professional or designated employee that develops the evaluation factors shall be disqualified from submitting a proposal to enter into the design-build contract, and the design-builder shall not be permitted to delegate services under the design-build contract to the design professional or designated employee that developed the evaluation factors.

b. The design professional or designated employee that develops the evaluation factors shall be either an employee of the contracting unit or shall be engaged in compliance with applicable New Jersey public procurement laws, and to the extent allowed by law may delegate the development of specific aspects of the design criteria to other consultants.

c. The contracting unit, in consultation with the design professional or designated employee, shall determine the scope and level of detail required for the evaluation factors. The evaluation factors should be detailed enough to permit qualified persons to submit proposals in accordance with the solicitation, given the nature of the public project and the level of design to be provided in the proposal.

C.18A:64-76.9 Inclusions in solicitations for design-build contract.

14. a. Solicitations for each design-build contract shall include, but not be limited to, the following:

(1) The identity of the contracting unit which shall award the design-build contract;

(2) The procedures to be followed for submitting proposals, the criteria for evaluation of proposals and their relative weight, and the procedures for making awards, including a reference to the requirements of sections 10 through 17 of P.L.2021, c.71 (C.18A:64-76.5 through C.18A:64-76.12) and the regulations of the contracting unit;

(3) The proposed terms and conditions for the design-build contract;

(4) A description of the drawings, specifications, or other submittals to be submitted with the proposal, with guidance as to the form and level of completeness of the drawings, specifications, or submittals that shall be acceptable;

(5) A schedule for planned commencement and completion of the design-build contract;

(6) Budget limits for the design-build contract, if any;

(7) Affirmative action, disadvantaged business or set-aside goals or requirements for the design-build contract, in accordance with the requirements of all rules, regulations, standards, or policies adopted by the contracting unit;

(8) The required qualifications of the design-builder;

(9) Requirements for contractors and the design professional to have performance bonds, payment bonds, and insurance, and to meet all the qualifications of the Division of Property Management and Construction in the Department of the Treasury or the Department of Transportation where applicable; and

(10) A statement that the prospective design-builder is in compliance with all applicable laws, including the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.), "The Public Works Contractor Registration Act," P.L.1999, c.238 (C.34:11-56.48 et seq.), and the "Construction Industry Independent Contractor Act," P.L.2007, c.114 (C.34:20-1 et seq.).

b. The solicitation may include any other information which the contracting unit in its discretion chooses to supply, including without limitation, surveys, soils reports, drawings or models of existing structures, environmental studies, photographs or references to public records.

c. Notice of solicitations shall be advertised in the same manner in which proposals generally are solicited for public projects.

C.18A:64-76.10 Inclusions in design-build team.

15. a. Each design-build team shall include a licensed or prequalified design professional independent from the contracting unit's licensed architect or engineer. The licensed or prequalified design professional shall be named in any proposal submitted to the contracting unit.

b. Proposals shall be sealed and shall not be opened until expiration of the time established for making proposals as set forth in the solicitation.

c. Proposals shall identify each person to whom the design-builder proposes to delegate obligations under the design-build contract. Persons so identified shall not be replaced without the approval of the contracting unit.

d. Proposals shall establish the cost of the design-build contract which shall not be exceeded if the proposal is accepted without change. Afterward, the maximum cost in the proposal may be converted to fixed prices by negotiated agreement between the contracting unit and the design-builder.

e. All proposals shall be received and opened at a previously announced time, where a synopsis of each shall be publicly read and recorded consistent with the provisions of subsection f. of this section.

f. Unless and until a proposal is accepted, the drawings, specifications and other information in the proposal shall remain the property of the person making the proposal. The contracting unit shall make reasonable efforts to maintain the secrecy and confidentiality of all proposals, and all information contained in the proposals, and shall not disclose the proposals or the information contained therein to the design-builders' competitors or the public. Once a proposal is accepted, the disclosure of the proposal and the information in the proposal, and the ownership of the drawings, specifications, and information therein, shall be determined in accordance with existing law and the terms of the design-build contract.

C.18A:64-76.11 Submission of received proposals.

16. a. Once received, proposals shall be submitted to the design professional or designated employee retained by the contracting unit. No proposal shall be considered until certification is issued by the design professional or designated employee retained by the contracting unit that the proposal is consistent with the evaluation factors. No proposal for a design-build contract may be accepted unless the contracting unit determines that there was adequate competition for such contract.

b. The technical review committee shall score the technical proposals using the criteria and methodology set forth in the request for proposals in accordance with paragraph (2) of subsection a. of section 14 of P.L.2021, c.71 (C.18A:64-76.9) and make an award recommendation to the head of the

contracting unit. The head of the contracting unit shall make the design-build contract award decision, consistent with the award recommendation.

c. The contracting unit shall evaluate the received technical proposals and price bid against the published factors and weighting to arrive at a composite score. The contracting unit shall make public the design-builder to be awarded the contract for the project. After the award decision is made, the contracting unit shall make public the sealed price bid for each proposal submitted to the contracting unit by a design-builder.

d. Acceptance of a proposal shall be made by written notice to the design-builder which submitted the accepted proposal. At the same time notice of acceptance is delivered, the contracting unit shall also inform, in writing, the other design-builders that their proposals were not accepted.

e. The contracting unit shall have the right to reject any and all proposals, except for the purpose of evading the provisions and policies of sections 10 through 17 of P.L.2021, c.71 (C.18A:64-76.5 through C.18A:64-76.12). The contracting unit shall solicit new proposals using the same evaluation factors, budget constraints, or qualifications, unless there has been a material change in circumstances affecting the needs of the contracting unit, including but not limited to an environmental issue, natural disaster, state of emergency, or unforeseen fiscal constraint.

f. Proposals may be withdrawn for any reason at any time prior to acceptance.

g. When a design-builder receives notification from a public body that the proposal, which it has submitted, has not been accepted, the design-builder may, within 30 days, request to review the design-build proposals submitted, the technical review committee evaluation scores from the selection process, and the final recommendation of award document. The design-builder shall submit this request in writing.

C.18A:64-76.12 Regulations.

17. Notwithstanding the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to the contrary, the Secretary of Higher Education shall adopt, immediately upon filing with the Office of Administrative Law, regulations that the Secretary of Higher Education deems necessary to implement the provisions of sections 10 through 17 of P.L.2021, c.71 (C.18A:64-76.5 through C.18A:64-76.12), which regulations shall be effective for a period not to exceed 180 days from the date of the filing. The Secretary of Higher Education shall thereafter amend, adopt, or readopt the regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

C.18A:64A-25.24a Definitions.

18. As used in sections 18 through 25 of P.L.2021, c.71 (C.18A:64A-25.24a through C.18A:64A-25.24h):

“Acceptance” means the adoption of a law, ordinance, or resolution by the State of New Jersey, any of its political subdivisions, any authority created by the Legislature of the State of New Jersey and any instrumentality or agency of the State of New Jersey or of any of its political subdivisions, authorizing the execution of a design-build contract.

“Contracting unit” means a government entity that enters into contracts pursuant to the “County College Contracts Law,” P.L.1982, c.189 (C.18A:64A-25.1 et seq.).

“Delivery system” means the procedure used to develop and construct a project.

“Design-bid-build” means the delivery system used in public projects in which a licensed and prequalified design professional or designated employee develops the project design in its entirety; the contracting unit then solicits bids and awards the contract to the lowest responsible bidder that demonstrates the ability to complete the project specified in the design.

“Design-build contract” means a contract between a contracting unit and a design-builder to provide labor, materials, and other construction services for a public project. A design-build contract may be conditional upon subsequent refinements in scope and price, and may permit the contracting unit to make changes in the scope of the project without invalidating the design-build contract.

“Design-builder” means the entity, whether natural person, partnership, joint stock company, corporation, trust, professional corporation, business association, or other legal business entity or successor, that proposes to design and construct any public project, who is registered pursuant to the provisions of P.L.1999, c.238 (C.34:11-56.48 et seq.), and classified by the New Jersey Division of Property Management and Construction or the New Jersey Department of Transportation, where applicable, to perform work on a design-build project.

“Design professional” means the entity, whether natural person, partnership, joint stock company, corporation, trust, professional corporation, business association, or other legal business entity or successor that provides licensed and prequalified architectural, engineering, or surveying services in accordance with R.S.45:3-1 et seq., and P.L.1938, c.342 (C.45:8-27 et seq.), and that shall be responsible for planning, designing and observing the construction of the project or projects.

“Evaluation factors” means the requirements for the first phase of the selection process, and shall include, but not be limited to: specialized experience, training certification of professional and field workforce, technical competence, capacity to perform, safety modification rating, past performance and other appropriate factors. Price shall only be considered in the second phase of the selection process.

“Proposal” means an offer to enter into a design-build contract.

“Stipend” means the fee paid to a design-builder by the contracting unit to encourage competition.

C.18A:64A-25.24b Entry into design-build contracts permitted.

19. a. If a contracting unit determines in its discretion that the design-build approach meets their needs better than the traditional design-bid-build approach established under New Jersey public procurement statutes for the project or projects under consideration, it shall be the public policy of this State to permit that contracting unit to enter into design-build contracts as defined in section 18 of P.L.2021, c.71 (C.18A:64A-25.24a), provided the following conditions are met:

(1) The contracting unit shall, prior to issuing solicitations, publish procedures consistent with regulations promulgated by the Secretary of Higher Education, where applicable for the solicitation and award of design-build contracts, and shall adhere to sections 18 through 25 of P.L.2021, c.71 (C.18A:64A-25.24a through C.18A:64A-25.24h) and those procedures; and

(2) The contracting unit shall, for each public project or projects under sections 18 through 25 of P.L.2021, c.71 (C.18A:64A-25.24a through C.18A:64A-25.24h), make a determination based on the timeliness of the project or projects that it is in the best interest of the public to enter into a design-build contract to complete the public project or projects.

b. All workers employed in a design-build construction project shall be paid the prevailing wage determined by the Commissioner of Labor pursuant to the provisions of the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.).

c. All design-build construction projects shall be encouraged to adhere to the Leadership in Energy and Environmental Design Green Building Rating System as adopted by the United States Green Building Council, the Green Globes Program adopted by the Green Building Initiative, or a comparable nationally recognized, accepted, and appropriate sustainable development system.

C.18A:64A-25.24c Procedures for awarding design-build contracts.

20. a. The contracting unit shall adopt the following procedures for awarding design-build contracts:

(1) The contracting unit shall either appoint a licensed and prequalified design professional, or designate an employee of the contracting unit licensed to provide architectural, engineering, or surveying services, to provide technical advice, construction review services, and professional expertise on behalf of the contracting unit;

(2) The contracting unit shall develop, with the assistance of the design professional or designated employee, performance criteria and a scope of work statement that defines the project and provides prospective design-builders with sufficient information regarding the contracting unit's requirements. The statement shall include: evaluation factor criteria and preliminary design documents, general budget parameters, and general schedule or delivery requirements to enable the design-builders to submit proposals which meet the contracting unit's needs. When the design-build selection procedure is used and the contracting unit contracts for development of the scope of work statement, the design-builder shall contract for architectural or engineering services as defined by and in accordance with R.S.45:3-1 et seq., P.L.1938, c.342 (C.45:8-27 et seq.), and all other applicable licensing statutes;

(3) Once the contracting unit has developed a scope of work statement which adequately defines the contracting unit's requirements for the project or projects, the contracting unit shall solicit proposals of qualification from design-builders. The contracting unit shall solicit proposals of qualification in accordance with the requirements of the applicable public procurement laws of the State of New Jersey.

(4) The contracting unit shall establish a technical review committee, which shall consist of a representative of the contracting unit, the contracting unit's project manager, and the contracting unit's authorized design professional. The contracting unit's attorney may advise the technical review committee. The technical review committee shall have the responsibility to evaluate bids based on rating and scoring proposals, and shall evaluate design-builders based on their qualifications. A member of the technical review committee shall not have a personal or financial interest in any of the design-builders submitting proposals.

b. The factors used to evaluate proposals of qualification shall be stated in the solicitation and shall include, but not be limited to: specialized experience and technical competence, training certification of professional and field workforce, principal location of the company, capability to perform, safety modification rating, past performance of the individual members of

the design-builder's team in their respective capacities, including the architect-engineer and construction members of the team, and other appropriate technical and qualification factors as determined by the Secretary of Higher Education, where applicable. Each solicitation for proposals of qualification shall establish the relative importance assigned to the evaluation factors and sub-factors to be considered.

c. A solicitation for proposals of qualification shall state the maximum number of design-builders that are to be selected to submit second proposals. The maximum number specified in the solicitation shall be at least two and shall not exceed six.

d. The contracting unit may offer a stipend, based upon the project size and type, which shall not exceed three percent of the project's estimated cost, to any design-builder providing design, construction information, or materials presented in response to a request for second proposals. This stipend is intended to encourage the submission of proposals and to increase competition.

e. On the basis of the proposal of qualification, the technical review committee shall select the most highly qualified number of design-builders specified in the solicitation and request the selected design-builders to submit a second proposal and sealed bid. Each solicitation for second proposals shall establish the relative importance assigned to the evaluation factors to be considered.

f. The technical review committee shall evaluate each second proposal based on the technical submission for the proposal, including design concepts or proposed solutions to requirements addressed within the scope of work, and the evaluation factors, including a minimum of 50 percent consideration based on the cost of the bid.

g. The contracting unit shall separately evaluate the submissions described above, and award the contract in accordance with section 24 of P.L.2021, c.71 (C.18A:64A-25.24g).

C.18A:64A-25.24d Evaluation factors contained in proposals.

21. a. Each request for proposals shall contain evaluation factors prepared by a design professional or designated employee as defined in section 18 of P.L.2021, c.71 (C.18A:64A-25.24a). The design professional or designated employee that develops the evaluation factors shall be disqualified from submitting a proposal to enter into the design-build contract, and the design-builder shall not be permitted to delegate services under the design-build contract to the design professional or designated employee that developed the evaluation factors.

b. The design professional or designated employee that develops the evaluation factors shall be either an employee of the contracting unit or shall

be engaged in compliance with applicable New Jersey public procurement laws, and to the extent allowed by law may delegate the development of specific aspects of the design criteria to other consultants.

c. The contracting unit, in consultation with the design professional or designated employee, shall determine the scope and level of detail required for the evaluation factors. The evaluation factors should be detailed enough to permit qualified persons to submit proposals in accordance with the solicitation, given the nature of the public project and the level of design to be provided in the proposal.

C.18A:64A-25.24e Inclusions in solicitations for design-build contract.

22. a. Solicitations for each design-build contract shall include, but not be limited to, the following:

(1) The identity of the contracting unit which shall award the design-build contract;

(2) The procedures to be followed for submitting proposals, the criteria for evaluation of proposals and their relative weight, and the procedures for making awards, including a reference to the requirements of sections 18 through 25 of P.L.2021, c.71 (C.18A:64A-25.24a through C.18A:64A-25.24h) and the regulations of the contracting unit;

(3) The proposed terms and conditions for the design-build contract;

(4) A description of the drawings, specifications, or other submittals to be submitted with the proposal, with guidance as to the form and level of completeness of the drawings, specifications, or submittals that shall be acceptable;

(5) A schedule for planned commencement and completion of the design-build contract;

(6) Budget limits for the design-build contract, if any;

(7) Affirmative action, disadvantaged business or set-aside goals or requirements for the design-build contract, in accordance with the requirements of all rules, regulations, standards, or policies adopted by the contracting unit;

(8) The required qualifications of the design-builder;

(9) Requirements for contractors and the design professional to have performance bonds, payment bonds, and insurance, and to meet all the qualifications of the Division of Property Management and Construction in the Department of the Treasury or the Department of Transportation where applicable; and

(10) A statement that the prospective design-builder is in compliance with all applicable laws, including the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.), "The Public Works Contractor Registration Act," P.L.1999, c.238 (C.34:11-56.48 et seq.), and the "Construction Industry Independent Contractor Act," P.L.2007, c.114 (C.34:20-1 et seq.).

b. The solicitation may include any other information which the contracting unit in its discretion chooses to supply, including without limitation, surveys, soils reports, drawings or models of existing structures, environmental studies, photographs or references to public records.

c. Notice of solicitations shall be advertised in the same manner in which proposals generally are solicited for public projects.

C.18A:64A-25.24f Inclusions on design-build team.

23. a. Each design-build team shall include a licensed or prequalified design professional independent from the contracting unit's licensed architect or engineer. The licensed or prequalified design professional shall be named in any proposal submitted to the contracting unit.

b. Proposals shall be sealed and shall not be opened until expiration of the time established for making proposals as set forth in the solicitation.

c. Proposals shall identify each person to whom the design-builder proposes to delegate obligations under the design-build contract. Persons so identified shall not be replaced without the approval of the contracting unit.

d. Proposals shall establish the cost of the design-build contract which shall not be exceeded if the proposal is accepted without change. Afterward, the maximum cost in the proposal may be converted to fixed prices by negotiated agreement between the contracting unit and the design-builder.

e. All proposals shall be received and opened at a previously announced time, where a synopsis of each shall be publicly read and recorded consistent with the provisions of subsection f. of this section.

f. Unless and until a proposal is accepted, the drawings, specifications and other information in the proposal shall remain the property of the person making the proposal. The contracting unit shall make reasonable efforts to maintain the secrecy and confidentiality of all proposals, and all information contained in the proposals, and shall not disclose the proposals or the information contained therein to the design-builders' competitors or the public. Once a proposal is accepted, the disclosure of the proposal and the information in the proposal, and the ownership of the drawings, specifications, and information therein, shall be determined in accordance with existing law and the terms of the design-build contract.

C.18A:64A-25.24g Submission of received proposals.

24. a. Once received, proposals shall be submitted to the design professional or designated employee retained by the contracting unit. No proposal shall be considered until certification is issued by the design professional or

designated employee retained by the contracting unit that the proposal is consistent with the evaluation factors. No proposal for a design-build contract may be accepted unless the contracting unit determines that there was adequate competition for such contract.

b. The technical review committee shall score the technical proposals using the criteria and methodology set forth in the request for proposals in accordance with paragraph (2) of subsection a. of section 22 of P.L.2021, c.71 (C.18A:64A-25.24e) and make an award recommendation to the head of the contracting unit. The head of the contracting unit shall make the design-build contract award decision, consistent with the award recommendation.

c. The contracting unit shall evaluate the received technical proposals and price bid against the published factors and weighting to arrive at a composite score. The contracting unit shall make public the design-builder to be awarded the contract for the project. After the award decision is made, the contracting unit shall make public the sealed price bid for each proposal submitted to the contracting unit by a design-builder.

d. Acceptance of a proposal shall be made by written notice to the design-builder which submitted the accepted proposal. At the same time notice of acceptance is delivered, the contracting unit shall also inform, in writing, the other design-builders that their proposals were not accepted.

e. The contracting unit shall have the right to reject any and all proposals, except for the purpose of evading the provisions and policies of sections 18 through 25 of P.L.2021, c.71 (C.18A:64A-25.24a through C.18A:64A-25.24h). The contracting unit shall solicit new proposals using the same evaluation factors, budget constraints, or qualifications, unless there has been a material change in circumstances affecting the needs of the contracting unit, including but not limited to an environmental issue, natural disaster, state of emergency, or unforeseen fiscal constraint.

f. Proposals may be withdrawn for any reason at any time prior to acceptance.

g. When a design-builder receives notification from a public body that the proposal, which it has submitted, has not been accepted, the design-builder may, within 30 days, request to review the design-build proposals submitted, the technical review committee evaluation scores from the selection process, and the final recommendation of award document. The design-builder shall submit this request in writing.

C.18A:64A-25.24h Regulations.

25. Notwithstanding the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to the contrary, the Secretary of

Higher Education shall adopt, immediately upon filing with the Office of Administrative Law, regulations that the Secretary of Higher Education deems necessary to implement the provisions of sections 18 through 25 of P.L.2021, c.71 (C.18A:64A-25.24a through C.18A:64A-25.24h), which regulations shall be effective for a period not to exceed 180 days from the date of the filing. The Secretary of Higher Education shall thereafter amend, adopt, or readopt the regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

C.40A:11-53 Definitions.

26. As used in sections 26 through 33 of P.L.2021, c.71 (C.40A:11-53 through C.40A:11-60):

"Acceptance" means the adoption of a law, ordinance, or resolution by the State of New Jersey, any of its political subdivisions, any authority created by the Legislature of the State of New Jersey and any instrumentality or agency of the State of New Jersey or of any of its political subdivisions, authorizing the execution of a design-build contract.

"Contracting unit" means a government entity that enters into contracts pursuant to the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).

"Delivery system" means the procedure used to develop and construct a project.

"Design-bid-build" means the delivery system used in public projects in which a licensed and prequalified design professional or designated employee develops the project design in its entirety; the contracting unit then solicits bids and awards the contract to the lowest responsible bidder that demonstrates the ability to complete the project specified in the design.

"Design-build contract" means a contract between a contracting unit and a design-builder to provide labor, materials, and other construction services for a public project. A design-build contract may be conditional upon subsequent refinements in scope and price, and may permit the contracting unit to make changes in the scope of the project without invalidating the design-build contract.

"Design-builder" means the entity, whether natural person, partnership, joint stock company, corporation, trust, professional corporation, business association, or other legal business entity or successor, that proposes to design and construct any public project, who is registered pursuant to the provisions of P.L.1999, c.238 (C.34:11-56.48 et seq.), and classified by the New Jersey Division of Property Management and Construction or the New Jersey Department of Transportation, where applicable, to perform work on a design-build project.

“Design professional” means the entity, whether natural person, partnership, joint stock company, corporation, trust, professional corporation, business association, or other legal business entity or successor that provides licensed and prequalified architectural, engineering, or surveying services in accordance with R.S.45:3-1 et seq., and P.L.1938, c.342 (C.45:8-27 et seq.), and that shall be responsible for planning, designing and observing the construction of the project or projects.

“Evaluation factors” means the requirements for the first phase of the selection process, and shall include, but not be limited to: specialized experience, training certification of professional and field workforce, technical competence, capacity to perform, safety modification rating, past performance and other appropriate factors. Price shall only be considered in the second phase of the selection process.

“Proposal” means an offer to enter into a design-build contract.

“Stipend” means the fee paid to a design-builder by the contracting unit to encourage competition.

C.40A:11-54 Entry into design-build contracts permitted.

27. a. If a contracting unit determines in its discretion that the design-build approach meets their needs better than the traditional design-bid-build approach established under New Jersey public procurement statutes for the project or projects under consideration, it shall be the public policy of this State to permit that contracting unit to enter into design-build contracts as defined in section 26 of P.L.2021, c.71 (C.40A:11-53), provided the following conditions are met:

(1) The project or projects under consideration have a cost equal to or exceeding \$5,000,000.

(2) The contracting unit shall, prior to issuing solicitations, publish procedures consistent with regulations promulgated by the Department of Community Affairs, where applicable for the solicitation and award of design-build contracts, and shall adhere to sections 26 through 33 of P.L.2021, c.71 (C.40A:11-53 through C.40A:11-60) and those procedures; and

(3) The contracting unit shall, for each public project or projects under sections 26 through 33 of P.L.2021, c.71 (C.40A:11-53 through C.40A:11-60), make a determination based on the timeliness of the project or projects that it is in the best interest of the public to enter into a design-build contract to complete the public project or projects.

b. All workers employed in a design-build construction project shall be paid the prevailing wage determined by the Commissioner of Labor pursuant

to the provisions of the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.).

c. All design-build construction projects shall be encouraged to adhere to the Leadership in Energy and Environmental Design Green Building Rating System as adopted by the United States Green Building Council, the Green Globes Program adopted by the Green Building Initiative, or a comparable nationally recognized, accepted, and appropriate sustainable development system.

d. Any design-build contract awarded pursuant to sections 26 through 33 of P.L.2021, c.71 (C.40A:11-53 through C.40A:11-60) may be reviewed by the Office of the State Comptroller.

C.40A:11-55 Procedures for awarding design-build contracts.

28. a. The contracting unit shall adopt the following procedures for awarding design-build contracts:

(1) The contracting unit shall either appoint a licensed and prequalified design professional, or designate an employee of the contracting unit licensed to provide architectural, engineering, or surveying services, to provide technical advice, construction review services, and professional expertise on behalf of the contracting unit;

(2) The contracting unit shall develop, with the assistance of the design professional or designated employee, performance criteria and a scope of work statement that defines the project and provides prospective design-builders with sufficient information regarding the contracting unit's requirements. The statement shall include: evaluation factor criteria and preliminary design documents, general budget parameters, and general schedule or delivery requirements to enable the design-builders to submit proposals which meet the contracting unit's needs. When the design-build selection procedure is used and the contracting unit contracts for development of the scope of work statement, the design-builder shall contract for architectural or engineering services as defined by and in accordance with R.S.45:3-1 et seq., P.L.1938, c.342 (C.45:8-27 et seq.), and all other applicable licensing statutes;

(3) Once the contracting unit has developed a scope of work statement which adequately defines the contracting unit's requirements for the project or projects, the contracting unit shall solicit proposals of qualification from design-builders. The contracting unit shall solicit proposals of qualification in accordance with the requirements of the applicable public procurement laws of the State of New Jersey.

(4) The contracting unit shall establish a technical review committee, which shall consist of a representative of the contracting unit, the contracting

unit's project manager, and the contracting unit's authorized design professional. The contracting unit's attorney may advise the technical review committee. The technical review committee shall have the responsibility to evaluate bids based on rating and scoring proposals, and shall evaluate design-builders based on their qualifications. A member of the technical review committee shall not have a personal or financial interest in any of the design-builders submitting proposals.

b. The factors used to evaluate proposals of qualification shall be stated in the solicitation and shall include, but not be limited to: specialized experience and technical competence, training certification of professional and field workforce, principal location of the company, capability to perform, safety modification rating, past performance of the individual members of the design-builder's team in their respective capacities, including the architect-engineer and construction members of the team, and other appropriate technical and qualification factors as determined by the Department of Community Affairs, where applicable. Each solicitation for proposals of qualification shall establish the relative importance assigned to the evaluation factors and sub-factors to be considered.

c. A solicitation for proposals of qualification shall state the maximum number of design-builders that are to be selected to submit second proposals. The maximum number specified in the solicitation shall be at least two and shall not exceed six.

d. The contracting unit may offer a stipend, based upon the project size and type, which shall not exceed three percent of the project's estimated cost, to any design-builder providing design, construction information, or materials presented in response to a request for second proposals. This stipend is intended to encourage the submission of proposals and to increase competition.

e. On the basis of the proposal of qualification, the technical review committee shall select the most highly qualified number of design-builders specified in the solicitation and request the selected design-builders to submit a second proposal and sealed bid. Each solicitation for second proposals shall establish the relative importance assigned to the evaluation factors to be considered.

f. The technical review committee shall evaluate each second proposal based on the technical submission for the proposal, including design concepts or proposed solutions to requirements addressed within the scope of work, and the evaluation factors, including a minimum of 50 percent consideration based on the cost of the bid.

g. The contracting unit shall separately evaluate the submissions described above, and award the contract in accordance with section 32 of P.L.2021, c.71 (C.40A:11-59).

C.40A:11-56 Evaluation factors contained in proposals.

29. a. Each request for proposals shall contain evaluation factors prepared by a design professional or designated employee as defined in section 26 of P.L.2021, c.71 (C.40A:11-53). The design professional or designated employee that develops the evaluation factors shall be disqualified from submitting a proposal to enter into the design-build contract, and the design-builder shall not be permitted to delegate services under the design-build contract to the design professional or designated employee that developed the evaluation factors.

b. The design professional or designated employee that develops the evaluation factors shall be either an employee of the contracting unit or shall be engaged in compliance with applicable New Jersey public procurement laws, and to the extent allowed by law may delegate the development of specific aspects of the design criteria to other consultants.

c. The contracting unit, in consultation with the design professional or designated employee, shall determine the scope and level of detail required for the evaluation factors. The evaluation factors should be detailed enough to permit qualified persons to submit proposals in accordance with the solicitation, given the nature of the public project and the level of design to be provided in the proposal.

C.40A:11-57 Inclusions in solicitations for design-build contracts.

30. a. Solicitations for each design-build contract shall include, but not be limited to, the following:

(1) The identity of the contracting unit which shall award the design-build contract;

(2) The procedures to be followed for submitting proposals, the criteria for evaluation of proposals and their relative weight, and the procedures for making awards, including a reference to the requirements of sections 26 through 33 of P.L.2021, c.71 (C.40A:11-53 through C.40A:11-60) and the regulations of the contracting unit;

(3) The proposed terms and conditions for the design-build contract;

(4) A description of the drawings, specifications, or other submittals to be submitted with the proposal, with guidance as to the form and level of completeness of the drawings, specifications, or submittals that shall be acceptable;

(5) A schedule for planned commencement and completion of the design-build contract;

(6) Budget limits for the design-build contract, if any;

(7) Affirmative action, disadvantaged business or set-aside goals or requirements for the design-build contract, in accordance with the requirements of all rules, regulations, standards, or policies adopted by the contracting unit;

(8) The required qualifications of the design-builder;

(9) Requirements for contractors and the design professional to have performance bonds, payment bonds, and insurance, and to meet all the qualifications of the Division of Property Management and Construction in the Department of the Treasury or the Department of Transportation where applicable; and

(10) A statement that the prospective design-builder is in compliance with all applicable laws, including the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.), "The Public Works Contractor Registration Act," P.L.1999, c.238 (C.34:11-56.48 et seq.), and the "Construction Industry Independent Contractor Act," P.L.2007, c.114 (C.34:20-1 et seq.).

b. The solicitation may include any other information which the contracting unit in its discretion chooses to supply, including without limitation, surveys, soils reports, drawings or models of existing structures, environmental studies, photographs or references to public records.

c. Notice of solicitations shall be advertised in the same manner in which proposals generally are solicited for public projects.

C.40A:11-58 Inclusions on design-build team.

31. a. Each design-build team shall include a licensed or prequalified design professional independent from the contracting unit's licensed architect or engineer. The licensed or prequalified design professional shall be named in any proposal submitted to the contracting unit.

b. Proposals shall be sealed and shall not be opened until expiration of the time established for making proposals as set forth in the solicitation.

c. Proposals shall identify each person to whom the design-builder proposes to delegate obligations under the design-build contract. Persons so identified shall not be replaced without the approval of the contracting unit.

d. Proposals shall establish the cost of the design-build contract which shall not be exceeded if the proposal is accepted without change. Afterward, the maximum cost in the proposal may be converted to fixed prices by negotiated agreement between the contracting unit and the design-builder.

e. All proposals shall be received and opened at a previously announced time, where a synopsis of each shall be publicly read and recorded consistent with the provisions of subsection f. of this section.

f. Unless and until a proposal is accepted, the drawings, specifications and other information in the proposal shall remain the property of the person making the proposal. The contracting unit shall make reasonable efforts to maintain the secrecy and confidentiality of all proposals, and all information contained in the proposals, and shall not disclose the proposals or the information contained therein to the design-builders' competitors or the public.

Once a proposal is accepted, the disclosure of the proposal and the information in the proposal, and the ownership of the drawings, specifications, and information therein, shall be determined in accordance with existing law and the terms of the design-build contract.

C.40A:11-59 Submission of received proposals.

32. a. Once received, proposals shall be submitted to the design professional or designated employee retained by the contracting unit. No proposal shall be considered until certification is issued by the design professional or designated employee retained by the contracting unit that the proposal is consistent with the evaluation factors. No proposal for a design-build contract may be accepted unless the contracting unit determines that there was adequate competition for such contract.

b. The technical review committee shall score the technical proposals using the criteria and methodology set forth in the request for proposals in accordance with paragraph (2) of subsection a. of section 30 of P.L.2021, c.71 (C.40A:11-57) and make an award recommendation to the governing body of the contracting unit. The governing body of the contracting unit shall make the design-build contract award decision, consistent with the award recommendation.

c. The contracting unit shall evaluate the received technical proposals and price bid against the published factors and weighting to arrive at a composite score. The contracting unit shall make public the design-builder to be awarded the contract for the project. After the award decision is made, the contracting unit shall make public the sealed price bid for each proposal submitted to the contracting unit by a design-builder.

d. Acceptance of a proposal shall be made by written notice to the design-builder which submitted the accepted proposal. At the same time notice of acceptance is delivered, the contracting unit shall also inform, in writing, the other design-builders that their proposals were not accepted.

e. The contracting unit shall have the right to reject any and all proposals, except for the purpose of evading the provisions and policies of sections 26 through 33 of P.L.2021, c.71 (C.40A:11-53 through C.40A:11-60). The contracting unit shall solicit new proposals using the same evaluation factors, budget constraints, or qualifications, unless there has been a material change in circumstances affecting the needs of the contracting unit, including but not limited to an environmental issue, natural disaster, state of emergency, or unforeseen fiscal constraint.

f. Proposals may be withdrawn for any reason at any time prior to acceptance.

g. When a design-builder receives notification from a public body that the proposal, which it has submitted, has not been accepted, the design-builder may, within 30 days, request to review the design-build proposals submitted, the technical review committee evaluation scores from the selection process, and the final recommendation of award document. The design-builder shall submit this request in writing.

C.40A:11-60 Regulations.

33. Notwithstanding the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to the contrary, the Department of Community Affairs shall adopt, immediately upon filing with the Office of Administrative Law, regulations that the Department of Community Affairs deems necessary to implement the provisions of sections 26 through 30 of P.L.2021, c.71 (C.40A:11-53 through C.40A:11-57), which regulations shall be effective for a period not to exceed 180 days from the date of the filing. The Department of Community Affairs shall thereafter amend, adopt, or readopt the regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

C.18A:18A-61 Definitions.

34. As used in sections 34 through 41 of P.L.2021, c.71 (C.18A:18A-61 through C.18A:18A-68):

"Acceptance" means the adoption of a law, ordinance, or resolution by the State of New Jersey, any of its political subdivisions, any authority created by the Legislature of the State of New Jersey and any instrumentality or agency of the State of New Jersey or of any of its political subdivisions, authorizing the execution of a design-build contract.

"Contracting unit" means a government entity that enters into contracts pursuant to the "Public School Contracts Law," N.J.S.18A:18A-1 et seq.

"Delivery system" means the procedure used to develop and construct a project.

"Design-bid-build" means the delivery system used in public projects in which a licensed and prequalified design professional or designated employee develops the project design in its entirety; the contracting unit then solicits bids and awards the contract to the lowest responsible bidder that demonstrates the ability to complete the project specified in the design.

"Design-build contract" means a contract between a contracting unit and a design-builder to provide labor, materials, and other construction services for a public project. A design-build contract may be conditional upon subsequent refinements in scope and price, and may permit the contracting unit to

make changes in the scope of the project without invalidating the design-build contract.

“Design-builder” means the entity, whether natural person, partnership, joint stock company, corporation, trust, professional corporation, business association, or other legal business entity or successor, that proposes to design and construct any public project, who is registered pursuant to the provisions of P.L.1999, c.238 (C.34:11-56.48 et seq.), and classified by the New Jersey Division of Property Management and Construction or the New Jersey Department of Transportation, where applicable, to perform work on a design-build project.

“Design professional” means the entity, whether natural person, partnership, joint stock company, corporation, trust, professional corporation, business association, or other legal business entity or successor that provides licensed and prequalified architectural, engineering, or surveying services in accordance with R.S.45:3-1 et seq., and P.L.1938, c.342 (C.45:8-27 et seq.), and that shall be responsible for planning, designing and observing the construction of the project or projects.

“Evaluation factors” means the requirements for the first phase of the selection process, and shall include, but not be limited to: specialized experience, training certification of professional and field workforce, technical competence, capacity to perform, safety modification rating, past performance and other appropriate factors. Price shall only be considered in the second phase of the selection process.

“Proposal” means an offer to enter into a design-build contract.

“Stipend” means the fee paid to a design-builder by the contracting unit to encourage competition.

C.18A:18A-62 Entry into design-build contracts permitted.

35. a. If a contracting unit determines in its discretion that the design-build approach meets their needs better than the traditional design-bid-build approach established under New Jersey public procurement statutes for the project or projects under consideration, it shall be the public policy of this State to permit that contracting unit to enter into design-build contracts as defined in section 34 of P.L.2021, c.71 (C.18A:18A-61), provided the following conditions are met:

(1) The project or projects under consideration have a cost equal to or exceeding \$5,000,000.

(2) The contracting unit shall, prior to issuing solicitations, publish procedures consistent with regulations promulgated by the Department of Community Affairs, in consultation with the Department of Education, where applicable for the solicitation and award of design-build contracts, and shall

adhere to sections 34 through 41 of P.L.2021, c.71 (C.18A:18A-61 through C.18A:18A-68) and those procedures; and

(3) The contracting unit shall, for each public project or projects under sections 34 through 41 of P.L.2021, c.71 (C.18A:18A-61 through C.18A:18A-68), make a determination based on the timeliness of the project or projects that it is in the best interest of the public to enter into a design-build contract to complete the public project or projects.

b. All workers employed in a design-build construction project shall be paid the prevailing wage determined by the Commissioner of Labor pursuant to the provisions of the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.).

c. All design-build construction projects shall be encouraged to adhere to the Leadership in Energy and Environmental Design Green Building Rating System as adopted by the United States Green Building Council, the Green Globes Program adopted by the Green Building Initiative, or a comparable nationally recognized, accepted, and appropriate sustainable development system.

d. Any design-build contract awarded pursuant to sections 34 through 41 of P.L.2021, c.71 (C.18A:18A-61 through C.18A:18A-68) may be reviewed by the Office of the State Comptroller.

C.18A:18A-63 Procedures for awarding design-build contracts.

36. a. The contracting unit shall adopt the following procedures for awarding design-build contracts:

(1) The contracting unit shall either appoint a licensed and prequalified design professional, or designate an employee of the contracting unit licensed to provide architectural, engineering, or surveying services, to provide technical advice, construction review services, and professional expertise on behalf of the contracting unit;

(2) The contracting unit shall develop, with the assistance of the design professional or designated employee, performance criteria and a scope of work statement that defines the project and provides prospective design-builders with sufficient information regarding the contracting unit's requirements. The statement shall include: evaluation factor criteria and preliminary design documents, general budget parameters, and general schedule or delivery requirements to enable the design-builders to submit proposals which meet the contracting unit's needs. When the design-build selection procedure is used and the contracting unit contracts for development of the scope of work statement, the design-builder shall contract for architectural or engineering services as

defined by and in accordance with R.S.45:3-1 et seq., P.L.1938, c.342 (C.45:8-27 et seq.), and all other applicable licensing statutes;

(3) Once the contracting unit has developed a scope of work statement which adequately defines the contracting unit's requirements for the project or projects, the contracting unit shall solicit proposals of qualification from design-builders. The contracting unit shall solicit proposals of qualification in accordance with the requirements of the applicable public procurement laws of the State of New Jersey.

(4) The contracting unit shall establish a technical review committee, which shall consist of a representative of the contracting unit, the contracting unit's project manager, and the contracting unit's authorized design professional. The contracting unit's attorney may advise the technical review committee. The technical review committee shall have the responsibility to evaluate bids based on rating and scoring proposals, and shall evaluate design-builders based on their qualifications. A member of the technical review committee shall not have a personal or financial interest in any of the design-builders submitting proposals.

b. The factors used to evaluate proposals of qualification shall be stated in the solicitation and shall include, but not be limited to: specialized experience and technical competence, training certification of professional and field workforce, principal location of the company, capability to perform, safety modification rating, past performance of the individual members of the design-builder's team in their respective capacities, including the architect-engineer and construction members of the team, and other appropriate technical and qualification factors as determined by the Department of Community Affairs, in consultation with the Department of Education, where applicable. Each solicitation for proposals of qualification shall establish the relative importance assigned to the evaluation factors and sub-factors to be considered.

c. A solicitation for proposals of qualification shall state the maximum number of design-builders that are to be selected to submit second proposals. The maximum number specified in the solicitation shall be at least two and shall not exceed six.

d. The contracting unit may offer a stipend, based upon the project size and type, which shall not exceed three percent of the project's estimated cost, to any design-builder providing design, construction information, or materials presented in response to a request for second proposals. This stipend is intended to encourage the submission of proposals and to increase competition.

e. On the basis of the proposal of qualification, the technical review committee shall select the most highly qualified number of design-builders specified in the solicitation and request the selected design-builders to submit a second

proposal and sealed bid. Each solicitation for second proposals shall establish the relative importance assigned to the evaluation factors to be considered.

f. The technical review committee shall evaluate each second proposal based on the technical submission for the proposal, including design concepts or proposed solutions to requirements addressed within the scope of work, and the evaluation factors, including a minimum of 50 percent consideration based on the cost of the bid.

g. The contracting unit shall separately evaluate the submissions described above, and award the contract in accordance with section 40 of P.L.2021, c.71 (C.18A:18A-67).

C.18A:18A-64 Evaluation factors contained in proposals.

37. a. Each request for proposals shall contain evaluation factors prepared by a design professional or designated employee as defined in section 34 of P.L.2021, c.71 (C.18A:18A-61). The design professional or designated employee that develops the evaluation factors shall be disqualified from submitting a proposal to enter into the design-build contract, and the design-builder shall not be permitted to delegate services under the design-build contract to the design professional or designated employee that developed the evaluation factors.

b. The design professional or designated employee that develops the evaluation factors shall be either an employee of the contracting unit or shall be engaged in compliance with applicable New Jersey public procurement laws, and to the extent allowed by law may delegate the development of specific aspects of the design criteria to other consultants.

c. The contracting unit, in consultation with the design professional or designated employee, shall determine the scope and level of detail required for the evaluation factors. The evaluation factors should be detailed enough to permit qualified persons to submit proposals in accordance with the solicitation, given the nature of the public project and the level of design to be provided in the proposal.

C.18A:18A-65 Inclusions in solicitations for design-build contracts.

38. a. Solicitations for each design-build contract shall include, but not be limited to, the following:

(1) The identity of the contracting unit which shall award the design-build contract;

(2) The procedures to be followed for submitting proposals, the criteria for evaluation of proposals and their relative weight, and the procedures for making awards, including a reference to the requirements of sections 34

through 41 of P.L.2021, c.71 (C.18A:18A-61 through C.18A:18A-68) and the regulations of the contracting unit;

(3) The proposed terms and conditions for the design-build contract;

(4) A description of the drawings, specifications, or other submittals to be submitted with the proposal, with guidance as to the form and level of completeness of the drawings, specifications, or submittals that shall be acceptable;

(5) A schedule for planned commencement and completion of the design-build contract;

(6) Budget limits for the design-build contract, if any;

(7) Affirmative action, disadvantaged business or set-aside goals or requirements for the design-build contract, in accordance with the requirements of all rules, regulations, standards, or policies adopted by the contracting unit;

(8) The required qualifications of the design-builder;

(9) Requirements for contractors and the design professional to have performance bonds, payment bonds, and insurance, and to meet all the qualifications of the Division of Property Management and Construction in the Department of the Treasury or the Department of Transportation where applicable; and

(10) A statement that the prospective design-builder is in compliance with all applicable laws, including the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.), "The Public Works Contractor Registration Act," P.L.1999, c.238 (C.34:11-56.48 et seq.), and the "Construction Industry Independent Contractor Act," P.L.2007, c.114 (C.34:20-1 et seq.).

b. The solicitation may include any other information which the contracting unit in its discretion chooses to supply, including without limitation, surveys, soils reports, drawings or models of existing structures, environmental studies, photographs or references to public records.

c. Notice of solicitations shall be advertised in the same manner in which proposals generally are solicited for public projects.

C.18A:18A-66 Inclusions on design-build team.

39. a. Each design-build team shall include a licensed or prequalified design professional or independent from the contracting unit's licensed architect or engineer. The licensed or prequalified design professional or designated employee shall be named in any proposal submitted to the contracting unit.

b. Proposals shall be sealed and shall not be opened until expiration of the time established for making proposals as set forth in the solicitation.

c. Proposals shall identify each person to whom the design-builder proposes to delegate obligations under the design-build contract. Persons so identified shall not be replaced without the approval of the contracting unit.

d. Proposals shall establish the cost of the design-build contract which shall not be exceeded if the proposal is accepted without change. Afterward, the maximum cost in the proposal may be converted to fixed prices by negotiated agreement between the contracting unit and the design-builder.

e. All proposals shall be received and opened at a previously announced time, where a synopsis of each shall be publicly read and recorded consistent with the provisions of subsection f. of this section.

f. Unless and until a proposal is accepted, the drawings, specifications and other information in the proposal shall remain the property of the person making the proposal. The contracting unit shall make reasonable efforts to maintain the secrecy and confidentiality of all proposals, and all information contained in the proposals, and shall not disclose the proposals or the information contained therein to the design-builders' competitors or the public. Once a proposal is accepted, the disclosure of the proposal and the information in the proposal, and the ownership of the drawings, specifications, and information therein, shall be determined in accordance with existing law and the terms of the design-build contract.

C.18A:18A-67 Submission of received proposals.

40. a. Once received, proposals shall be submitted to the design professional or designated employee retained by the contracting unit. No proposal shall be considered until certification is issued by the design professional or designated employee retained by the contracting unit that the proposal is consistent with the evaluation factors. No proposal for a design-build contract may be accepted unless the contracting unit determines that there was adequate competition for such contract.

b. The technical review committee shall score the technical proposals using the criteria and methodology set forth in the request for proposals in accordance with paragraph (2) of subsection a. of section 38 of P.L.2021, c.71 (C.18A:18A-65) and make an award recommendation to the head of the contracting unit. The head of the contracting unit shall make the design-build contract award decision, consistent with the award recommendation.

c. The contracting unit shall evaluate the received technical proposals and price bid against the published factors and weighting to arrive at a composite score. The contracting unit shall make public the design-builder to be awarded the contract for the project. After the award decision is made, the contracting unit shall make public the sealed price bid for each proposal submitted to the contracting unit by a design-builder.

d. Acceptance of a proposal shall be made by written notice to the design-builder which submitted the accepted proposal. At the same time notice

of acceptance is delivered, the contracting unit shall also inform, in writing, the other design-builders that their proposals were not accepted.

e. The contracting unit shall have the right to reject any and all proposals, except for the purpose of evading the provisions and policies of sections 34 through 41 of P.L.2021, c.71 (C.18A:18A-61 through C.18A:18A-68). The contracting unit shall solicit new proposals using the same evaluation factors, budget constraints, or qualifications, unless there has been a material change in circumstances affecting the needs of the contracting unit, including but not limited to an environmental issue, natural disaster, state of emergency, or unforeseen fiscal constraint.

f. Proposals may be withdrawn for any reason at any time prior to acceptance.

g. When a design-builder receives notification from a public body that the proposal, which it has submitted, has not been accepted, the design-builder may, within 30 days, request to review the design-build proposals submitted, the technical review committee evaluation scores from the selection process, and the final recommendation of award document. The design-builder shall submit this request in writing.

C.18A:18A-68 Regulations.

41. Notwithstanding the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to the contrary, the Department of Community Affairs, in consultation with the Department of Education, shall adopt, immediately upon filing with the Office of Administrative Law, regulations that the Department of Community Affairs, in consultation with the Department of Education, deems necessary to implement the provisions of sections 34 through 41 of P.L.2021, c.71 (C.18A:18A-61 through C.18A:18A-68), which regulations shall be effective for a period not to exceed 180 days from the date of the filing. The Department of Community Affairs, in consultation with the Department of Education, shall thereafter amend, adopt, or readopt the regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

C.52:35B-10 Proceedings, records, contracts accessible to public.

42. All proceedings, records, contracts, and other public records relating to procurement transactions authorized under P.L.2021, c.71 (C.52:35B-1 et al.) shall be accessible to the public pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.), except as otherwise may be provided under P.L.2021, c.71 (C.52:35B-1 et al.).

43. This act shall take effect immediately.

Approved April 30, 2021.

CHAPTER 72

AN ACT concerning living organ donors and amending P.L.2003, c.207, N.J.S.17B:30-12, and P.L.2008, c.48.

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

1. Section 4 of P.L.2003, c.207 (C.17B:27E-4) is amended to read as follows:

C.17B:27E-4 Definitions relative to long-term care insurance.

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

"Applicant" means:

(1) In the case of an individual long-term care insurance policy, the person who seeks to contract for benefits; and

(2) In the case of a group long-term care insurance policy, the proposed certificate holder.

"Certificate" means any certificate or evidence of coverage issued under a group long-term care insurance policy, which has been delivered or issued for delivery in this State.

"Commissioner" means the Commissioner of Banking and Insurance.

"Group long-term care insurance" means a long-term care insurance policy which is delivered or issued for delivery in this State and issued to:

(1) a group conforming to one of the descriptions set forth at N.J.S.17B:27-2 through 17B:27-8 inclusive, or N.J.S.17B:27-27; or

(2) any group not set forth in paragraph (1) of this definition, which in the opinion of the commissioner may be insured for group long-term care insurance in accordance with sound underwriting principles.

"Living organ donor" means a person who has donated all or part of an organ and is not deceased.

"Long-term care insurance" means any insurance policy, certificate or rider advertised, marketed, offered or designed to provide coverage for not less than 12 consecutive months for each covered person on an expense in-

curred, indemnity, prepaid or other basis, for one or more necessary or medically necessary diagnostic, preventive, therapeutic, rehabilitative, maintenance or personal care services, provided in a setting other than an acute care unit of a hospital. The term includes group and individual annuities and life insurance policies or riders which provide directly or which supplement long-term care insurance. The term also includes a policy or rider which provides for payment of benefits based upon cognitive impairment or the loss of functional capacity. The term shall also apply to qualified long-term care insurance contracts. Long-term care insurance may be issued by insurers; fraternal benefit societies; health, hospital, or medical service corporations; prepaid health plans; or health maintenance organizations. Long-term care insurance shall not include any insurance policy which is offered primarily to provide basic Medicare supplement coverage, basic hospital expense coverage, basic medical-surgical expense coverage, hospital confinement indemnity coverage, major medical expense coverage, disability income or related asset-protection coverage, accident only coverage, or limited benefit health coverage. With regard to life insurance, this term does not include life insurance policies which accelerate the death benefit specifically for one or more qualifying events, and which provide the option of a lump-sum payment for those benefits and in which neither the benefits nor the eligibility for the benefits is conditioned upon the receipt of long-term care. Notwithstanding any other provision contained herein, any product advertised, marketed or offered as long-term care insurance shall be subject to the provisions of this act.

"Policy" means any policy, contract, subscriber agreement, rider or endorsement providing long-term care insurance coverage delivered or issued for delivery in this State by an insurer; fraternal benefit society; health, hospital, or medical service corporation; prepaid health plan; health maintenance organization or any similar organization.

"Qualified long-term care insurance contract" or "federally tax-qualified long-term care insurance contract" means an individual or group insurance contract that meets the requirements of 26 U.S.C. s. 7702B(b), as follows:

- (1) The only insurance protection provided under the contract is coverage of qualified long-term services. A contract shall not fail to satisfy the requirements of this paragraph by reason of payments being made on a per diem or other periodic basis without regard to the expenses incurred during the period to which the payments relate;

- (2) The contract does not pay or reimburse expenses incurred for services or items to the extent that the expenses are reimbursable under Title XVIII of the Social Security Act (42 U.S.C. s. 1395 et seq.) or would be so reimbursable but for the application of a deductible or coinsurance amount. The

requirements of this paragraph do not apply to expenses that are reimbursable under Title XVIII of the Social Security Act (42 U.S.C. s. 1395 et seq.) only as a secondary payor. A contract shall not fail to satisfy the requirements of this paragraph by reason of payments being made on a per diem or other periodic basis without regard to the expenses incurred during the period to which the payments relate;

(3) The contract is guaranteed renewable, within the meaning of 26 U.S.C. s. 7702B(b)(1)(C);

(4) The contract does not provide for a cash surrender value or other money that can be paid, assigned, pledged as collateral for a loan, or borrowed except as provided in paragraph (5) of this definition;

(5) All refunds of premiums, and all policyholder dividends or similar amounts, under the contract are to be applied as a reduction in future premiums or to increase future benefits, except that a refund on the event of death of the insured or a complete surrender or cancellation of the contract shall not exceed the aggregate premiums paid under the contract; and

(6) The contract meets the consumer protection provisions set forth in 26 U.S.C. s. 7702B(g).

"Qualified long-term care insurance contract" or "federally tax-qualified long-term care insurance contract" also means the portion of a life insurance contract that provides long-term care insurance coverage by a rider or as part of the contract and that satisfies the requirements of 26 U.S.C. s. 7702B(b) and (e).

2. Section 6 of P.L.2003, c.207 (C.17B:27E-6) is amended to read as follows:

C.17B:27E-6 Prohibitions relative to long-term care insurance.

6. a. No long-term care insurance policy or certificate shall:

(1) Be cancelled, nonrenewed or otherwise terminated on the grounds of the age or the deterioration of the mental or physical health of the insured individual or certificate holder;

(2) Contain a provision establishing a new waiting period in the event existing coverage is converted to or replaced by a new or other form within the same company or affiliated company, except with respect to an increase in benefits voluntarily selected by the insured individual or group policyholder;

(3) Provide coverage for skilled nursing care only or provide significantly more coverage for skilled nursing care in a facility than coverage for lower levels of care; or

(4) Decline or limit coverage based solely on the status of the insured individual as a living organ donor; preclude an insured person from donating

all or part of an organ as a condition of continuing to receive coverage; consider the status of a person as a living organ donor in determining the premium rate for coverage of the person under a policy of life or health insurance, provided that this shall not preclude consideration of other actuarial risks in determining premium rates for coverage; or otherwise discriminate in the offering, issuance, cancellation, amount of coverage, price, or other condition of coverage for an individual based solely, and without any additional actuarial risks, on the status of the person as a living organ donor.

b. (1) No long-term care insurance policy or certificate shall use a definition of "preexisting condition" which is more restrictive than the following: preexisting condition means a condition for which medical advice or treatment was recommended by, or received from a provider of health care services, within six months preceding the effective date of coverage of an insured person.

(2) No long-term care insurance policy or certificate shall exclude coverage for a loss or confinement which is the result of a preexisting condition unless that loss or confinement begins within six months following the effective date of coverage of an insured person.

(3) The definition of "preexisting condition" shall not prohibit an insurer from using an application form designed to elicit the complete health history of an applicant, and, on the basis of the answers on that application, from underwriting in accordance with that insurer's established underwriting standards. Unless otherwise provided in the policy or certificate, a preexisting condition, regardless of whether it is disclosed on the application, need not be covered until the waiting period described in paragraph (2) of this subsection b. expires. No long-term care insurance policy or certificate shall exclude or use waivers or riders of any kind to exclude, limit or reduce coverage or benefits for specifically named or described preexisting diseases or physical conditions beyond the waiting period described in paragraph (2) of this subsection b.

(4) A preexisting condition limitation shall only apply to the long-term care insurance coverage and shall not apply to any death benefit or other life insurance benefit provided by a long-term care insurance policy or certificate.

c. (1) No long-term care insurance policy or certificate shall be delivered or issued for delivery in this State if that policy or certificate:

(a) Conditions eligibility for any benefits on a prior hospitalization requirement;

(b) Conditions eligibility for benefits provided in an institutional care setting on the receipt of a higher level of institutional care; or

(c) Conditions eligibility for any benefits, other than waiver of premium, post-confinement, post-acute care or recuperative benefits, on a prior institutionalization requirement.

(2) (a) A long-term care insurance policy or certificate containing post-confinement, post-acute care or recuperative benefits shall clearly label in a separate paragraph of the policy or certificate entitled "Limitations or Conditions on Eligibility for Benefits" those limitations or conditions, including any required number of days of confinement.

(b) A long-term care insurance policy or certificate which conditions eligibility for non-institutional benefits on the prior receipt of institutional care shall not require a prior institutional stay of more than 30 days.

d. Long-term care insurance applicants shall have the right to return the policy or certificate within 30 days of its delivery and to have the premium refunded if, after examination of the policy or certificate, the applicant is not satisfied for any reason. Long-term care insurance policies and certificates shall have a notice prominently printed on the first page or attached thereto stating in substance that the applicant shall have the right to return the policy or certificate within 30 days of its delivery and to have the premium refunded if, after examination of the policy or certificate, the applicant is not satisfied for any reason.

e. (1) An outline of coverage shall be delivered to a prospective applicant for long-term care insurance at the time of initial solicitation through means which prominently direct the attention of the recipient to the document and its purpose.

(a) The commissioner shall prescribe a standard format, including style, arrangement and overall appearance, and the content of an outline of coverage.

(b) In the case of insurance producer solicitations, an insurance producer shall deliver the outline of coverage prior to the presentation of an application or enrollment form.

(c) In the case of direct response solicitations, the outline of coverage shall be presented in conjunction with any application or enrollment form.

(2) The outline of coverage shall include:

(a) A description of the principal benefits and coverage provided in the policy;

(b) A statement of the principal exclusions, reductions, and limitations contained in the policy;

(c) A statement of the terms under which the policy or certificate, or both, may be continued in force or discontinued, including any reservation in the policy of a right to change premium. Continuation or conversion provisions of group coverage shall be specifically described;

(d) A statement that the outline of coverage is a summary only, not a contract of insurance, and that the policy or group master policy contains governing contractual provisions;

(e) A description of the terms under which the policy or certificate may be returned and the premium refunded;

(f) A brief description of the relationship of cost of care and benefits; and

(g) A statement that discloses to the policyholder or certificate holder whether the policy is intended to be a federally tax-qualified long-term care insurance contract under 26 U.S.C. s. 7702B(b).

f. A certificate issued pursuant to a group long-term care insurance policy, which policy is delivered or issued for delivery in this State, shall include:

(1) A description of the principal benefits and coverage provided in the policy;

(2) A statement of the principal exclusions, reductions and limitations contained in the policy; and

(3) A statement that the group master policy determines governing contractual provisions.

g. At the time of policy delivery, a policy summary as prescribed by the commissioner pursuant to subsection e. of this section shall be delivered for an individual life insurance policy which provides long-term care benefits within the policy or by rider. In the case of direct response solicitations, the insurer shall deliver the policy summary upon the applicant's request, but regardless of request shall make that delivery no later than at the time of policy delivery. In addition to complying with all applicable requirements, the summary shall also include:

(1) An explanation of how the long-term care benefit interacts with other components of the policy, including deductions from death benefits;

(2) An illustration of the amount of benefits, the length of benefit, and the guaranteed lifetime benefits if any, for each covered person;

(3) Any exclusions, reductions and limitations on benefits of long-term care;

(4) A statement as to whether any long-term care inflation protection option is available under this policy;

(5) If applicable to the policy type, the summary shall also include:

(a) A disclosure of the effects of exercising other rights under the policy;

(b) A disclosure of guarantees related to long-term care costs of insurance charges;

(c) Current and projected maximum lifetime benefits; and

(6) The provisions of the policy summary listed above may be incorporated into a basic illustration required to be delivered in accordance with regulations promulgated by the commissioner or into the life insurance policy summary which is required to be delivered in accordance with regulations promulgated by the commissioner.

h. Whenever a long-term care benefit, funded through a life insurance policy by the acceleration of the death benefit, is in benefit payment status, a monthly report as specified by the commissioner shall be provided to the policyholder or certificate holder. The report shall include:

- (1) Any long-term care benefits paid out during the month;
- (2) An explanation of any changes in the policy, such as death benefits or cash values, due to long-term care benefits being paid out; and
- (3) The amount of long-term care benefits existing or remaining.

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

Discrimination prohibited; terms defined.

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

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

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

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

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

extension or renewal of any hospital confinement or other supplemental limited benefit insurance, as defined by regulation of the commissioner, or in the fixing of the rates, terms or conditions therefor, or in the issuance or acceptance of any application therefor.

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

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

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

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

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

If, in the issuance, withholding, extension or renewal of any policy of life insurance, including credit life insurance, an annuity, disability income insurance contract or credit accident insurance coverage, an insurer will use the results of a genetic test in compliance with this subsection, the insurer shall notify the individual who is the subject of the genetic test that such a test shall be required and shall obtain the individual's written informed consent for the test prior to the administration of the test, in accordance with the requirements of P.L.1985, c.179 (C.17:23A-1 et seq.). The insurer shall also provide that the physician or other health care professional designated by the individual shall promptly receive a copy of the results of the test and, if required, an interpretation of the test results

by a qualified professional, and that the individual shall state in writing whether the individual elects to be informed of the results of the test.

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

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

i. No person shall decline or limit coverage under a policy of life or health insurance to any individual based solely on the status of the covered individual as a living organ donor; preclude an individual covered under a policy of life or health insurance from donating all or part of an organ as a condition of continuing to receive coverage; consider the status of a person as a living organ donor in determining the premium rate for coverage of the person under a policy of life or health insurance, provided that this shall not preclude consideration of other actuarial risks in determining premium rates for coverage; or otherwise discriminate in the offering, issuance, cancellation, amount of coverage, price, or other condition of coverage for an individual under a policy of life or health insurance based solely, and without any additional actuarial risks, on the status of the individual as a living organ donor.

As used in this subsection, "living organ donor" means a person who has donated all or part of an organ and is not deceased.

4. Section 5 of P.L.2008, c.48 (C.45:9-7.5) is amended to read as follows:

C.45:9-7.5 Requirements for physician training relative to organ, tissue donation, and recovery.

5. The State Board of Medical Examiners, in collaboration with the organ procurement organizations designated pursuant to 42 U.S.C.s.1320b-8 to serve in the State of New Jersey, shall prescribe by regulation the following requirements for physician training:

a. The curriculum in each college of medicine in this State shall include instruction in organ and tissue donation and recovery designed to address clinical aspects of the donation and recovery process and the rights of living

organ donors as set forth in paragraph (4) of subsection a. of section 6 of P.L.2003, c.207 (C.17B:27E-6) and subsection i. of N.J.S.17B:30-12.

b. Completion of organ and tissue donation and recovery instruction as provided in subsection a. of this section shall be required as a condition of receiving a diploma from a college of medicine in this State.

c. A college of medicine which includes instruction in organ and tissue donation and recovery as provided in subsection a. of this section in its curricula shall offer such training for continuing education credit.

d. A physician licensed to practice medicine in this State prior to the effective date of this act, who was not required to receive and did not receive instruction in organ and tissue donation and recovery as part of a medical school curriculum, is encouraged to complete such training no later than three years after the effective date of this act. The training may be completed through an on-line, credit-based course developed by or for the organ procurement organizations, in collaboration with professional medical organizations in the State.

5. Section 6 of P.L.2008, c.48 (C.45:11-26.1) is amended to read as follows:

C.45:11-26.1 Requirements for professional nurse training relative to organ, tissue donation, and recovery.

6. The New Jersey Board of Nursing, in collaboration with the organ procurement organizations designated pursuant to 42 U.S.C.s.1320b-8 to serve in the State of New Jersey, shall prescribe by regulation the following requirements for professional nurse training:

a. The curriculum in each educational program of professional nursing in this State shall include instruction in organ and tissue donation and recovery designed to address clinical aspects of the donation and recovery process and the rights of living organ donors

as set forth in paragraph (4) of subsection a. of section 6 of P.L.2003, c.207 (C.17B:27E-6) and subsection i. of N.J.S.17B:30-12.

b. Completion of organ and tissue donation and recovery instruction as provided in subsection a. of this section shall be required as a condition of receiving a degree or diploma, as applicable, in professional nursing from a nursing program in this State.

c. A nursing program which includes instruction in organ and tissue donation and recovery as provided in subsection a. of this section in its curricula shall offer such training for continuing education credit.

d. (1) A licensed professional nurse licensed to practice nursing in this State prior to the effective date of this act, who was not required to receive and did not receive instruction in organ and tissue donation and recovery as part of his nursing program curriculum, shall be required, as a condition of relicensure, to document completion of such training to the satisfaction of the board no later than three years after the effective date of this act. The training may be completed through an on-line, one credit hour course developed by or for the organ procurement organizations and approved by the board.

(2) The board may waive the requirement in this subsection if an applicant for relicensure demonstrates to the satisfaction of the board that the applicant has attained the substantial equivalent of this requirement through completion of a similar course in his post-secondary education which meets criteria established by regulation of the board.

6. This act shall take effect immediately.

Approved April 30, 2021.

CHAPTER 73

AN ACT concerning health benefits coverage for adolescent depression screenings and supplementing various parts of statutory law.

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

C.17:48-6vv Hospital service corporation contract to cover adolescent depression screenings.

1. A hospital service corporation contract that provides hospital and medical expense benefits and is delivered, issued, executed, or renewed in this State pursuant to P.L.1938, c.366 (C.17:48-1 et seq.), or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, shall provide coverage for expenses incurred in screening adolescents between the ages of 12 and 18 for major depressive disorder, so long as screening for major depressive disorder in adolescents continues to receive a rating of "A" or "B" from the United States Preventative Services Task Force. Coverage shall not be denied solely on the basis that the screening is provided in conjunction with any other health care evaluation, treatment, or service.

The benefits shall be provided to the same extent as for any other condition under the contract, except that the hospital service corporation shall not impose on covered persons receiving these services any form of cost sharing, including, but not limited to, copayments, deductibles, or coinsurance.

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

C.17:48A-7ss Medical service corporation to cover adolescent depression screenings.

2. A medical service corporation contract that provides hospital and medical expense benefits and is delivered, issued, executed, or renewed in this State pursuant to P.L.1940, c.74 (C.17:48A-1 et seq.), or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, shall provide coverage for expenses incurred in screening adolescents between the ages of 12 and 18 for major depressive disorder, so long as screening for major depressive disorder in adolescents continues to receive a rating of "A" or "B" from the United States Preventative Services Task Force. Coverage shall not be denied solely on the basis that the screening is provided in conjunction with any other health care evaluation, treatment, or service.

The benefits shall be provided to the same extent as for any other condition under the contract, except that the medical service corporation shall not impose on covered persons receiving these services any form of cost sharing, including, but not limited to, copayments, deductibles, or coinsurance.

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

C.17:48E-35.46 Health service corporation to cover adolescent depression screenings.

3. A health service corporation contract that provides hospital and medical expense benefits and is delivered, issued, executed, or renewed in this State pursuant to P.L.1985, c.236 (C.17:48E-1 et seq.), or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, shall provide coverage for expenses incurred in screening adolescents between the ages of 12 and 18 for major depressive disorder, so long as screening for major depressive disorder in adolescents continues to receive a rating of "A" or "B" from the United States Preventative Services Task Force. Coverage shall not be denied solely on the basis that the screening is provided in conjunction with any other health care evaluation, treatment, or service.

The benefits shall be provided to the same extent as for any other condition under the contract, except that the health service corporation shall not impose on covered persons receiving these services any form of cost sharing, including, but not limited to, copayments, deductibles, or coinsurance.

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

C.17B:26-2.100 Individual health insurance policy to cover adolescent depression screenings.

4. An individual health insurance policy that provides hospital and medical expense benefits and is delivered, issued, executed, or renewed in this State pursuant to chapter 26 of Title 17B of the New Jersey Statutes, or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, shall provide coverage for expenses incurred in screening adolescents between the ages of 12 and 18 for major depressive disorder, so long as screening for major depressive disorder in adolescents continues to receive a rating of "A" or "B" from the United States Preventative Services Task Force. Coverage shall not be denied solely on the basis that the screening is provided in conjunction with any other health care evaluation, treatment, or service.

The benefits shall be provided to the same extent as for any other condition under the policy, except that the insurer shall not impose on covered persons receiving these services any form of cost sharing, including, but not limited to, copayments, deductibles, or coinsurance.

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

C.17B:27-46.1vv Group health insurance policy to cover adolescent depression screenings.

5. A group health insurance policy that provides hospital and medical expense benefits and is delivered, issued, executed, or renewed in this State pursuant to chapter 27 of Title 17B of the New Jersey Statutes, or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, shall provide coverage for expenses incurred in screening adolescents between the ages of 12 and 18 for major depressive disorder, so long as screening for major depressive disorder in adolescents continues to receive a rating of "A" or "B" from the United States Preventative Services Task Force. Coverage shall not be denied solely on the basis that the screening is provided in conjunction with any other health care evaluation, treatment, or service.

The benefits shall be provided to the same extent as for any other condition under the policy, except that the insurer shall not impose on covered persons receiving these services any form of cost sharing, including, but not limited to, copayments, deductibles, or coinsurance.

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

C.17B:27A-7.29 Individual health benefits plan to cover adolescent depression screenings.

6. An individual health benefits plan that provides hospital and medical expense benefits and is delivered, issued, executed, or renewed in this State pursuant to P.L.1992, c.161 (C.17B:27A-2 et seq.), on or after the effective date of this act, shall provide coverage for expenses incurred in screening adolescents between the ages of 12 and 18 for major depressive disorder, so long as screening for major depressive disorder in adolescents continues to receive a rating of "A" or "B" from the United States Preventative Services Task Force. Coverage shall not be denied solely on the basis that the screening is provided in conjunction with any other health care evaluation, treatment, or service.

The benefits shall be provided to the same extent as for any other condition under the health benefits plan, except that the carrier shall not impose on covered persons receiving these services any form of cost sharing, including, but not limited to, copayments, deductibles, or coinsurance.

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

C.17B:27A-19.33 Small employer health benefits plan to cover adolescent depression screenings.

7. A small employer health benefits plan that provides hospital and medical expense benefits and is delivered, issued, executed, or renewed in this State pursuant to P.L.1992, c.162 (C.17B:27A-17 et seq.), on or after the effective date of this act, shall provide coverage for expenses incurred in screening adolescents between the ages of 12 and 18 for major depressive disorder, so long as screening for major depressive disorder in adolescents continues to receive a rating of "A" or "B" from the United States Preventative Services Task Force. Coverage shall not be denied solely on the basis that the screening is provided in conjunction with any other health care evaluation, treatment, or service.

The benefits shall be provided to the same extent as for any other condition under the health benefits plan, except that the carrier shall not impose

on covered persons receiving these services any form of cost sharing, including, but not limited to, copayments, deductibles, or coinsurance.

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

C.26:2J-4.47 Health maintenance organization to cover adolescent depression screenings.

8. A health maintenance organization contract for health care services that is delivered, issued, executed, or renewed in this State pursuant to P.L.1973, c.337 (C.26:2J-1 et seq.), or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, shall provide coverage for expenses incurred in screening adolescents between the ages of 12 and 18 for major depressive disorder, so long as screening for major depressive disorder in adolescents continues to receive a rating of "A" or "B" from the United States Preventative Services Task Force. Coverage shall not be denied solely on the basis that the screening is provided in conjunction with any other health care evaluation, treatment, or service.

The health care services shall be provided to the same extent as for any other condition under the contract, except that the health maintenance organization shall not impose on covered persons receiving these services any form of cost sharing, including, but not limited to, copayments, deductibles, or coinsurance.

This section shall apply to those contracts for health care services under which the right to change the schedule of charges for enrollee coverage is reserved.

C.52:14-17.29ee State Health Benefit Commission to cover adolescent depression screenings.

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 shall provide coverage for expenses incurred in screening adolescents between the ages of 12 and 18 for major depressive disorder, so long as screening for major depressive disorder in adolescents continues to receive a rating of "A" or "B" from the United States Preventative Services Task Force. Coverage shall not be denied solely on the basis that the screening is provided in conjunction with any other health care evaluation, treatment, or service.

The benefits shall be provided to the same extent as for any other condition under the contract, except that the contract shall not impose on covered persons receiving these services any form of cost sharing, including, but not limited to, copayments, deductibles, or coinsurance.

C.52:14-17.46.6p School Employees' Health Benefits Commission to cover adolescent depression screenings.

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 shall provide coverage for expenses incurred in screening adolescents between the ages of 12 and 18 for major depressive disorder, so long as screening for major depressive disorder in adolescents continues to receive a rating of "A" or "B" from the United States Preventative Services Task Force. Coverage shall not be denied solely on the basis that the screening is provided in conjunction with any other health care evaluation, treatment, or service.

The benefits shall be provided to the same extent as for any other condition under the contract, except that the contract shall not impose on covered persons receiving these services any form of cost sharing, including, but not limited to, copayments, deductibles, or coinsurance.

11. This act shall take effect on the 180th day after enactment and shall apply to policies or contracts issued or renewed on or after the effective date.

Approved April 30, 2021.

CHAPTER 74

AN ACT concerning changes to the New Jersey Infrastructure Bank and amending various parts of the statutory law.

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

1. Section 3 of P.L.1985, c.334 (C.58:11B-3) is amended to read as follows:

C.58:11B-3 Definitions.

3. As used in sections 1 through 27 of P.L.1985, c.334 (C.58:11B-1 through C.58:11B-27), sections 23 through 27 of P.L.1997, c.224 (C.58:11B-10.1, C.58:11B-20.1, C.58:11B-21.1, C.58:11B-22.1, and C.58:11B-22.2), and sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4):

"Aviation project" means a project to develop or improve county or municipal airport facilities, or airport facilities owned or operated by a regional transportation authority that is not a bi-state authority, and related infrastructure or

capital equipment, including, but not limited to, any design, planning, acquisition, construction, reconstruction, relocation, installation, removal, repair, or rehabilitation project that facilitates, increases the efficiency of, or improves the capacity for inter-modal trade for commercial and industrial facilities that are part of airport facilities. "Aviation project" includes, but is not limited to, any project to develop or improve terminal facilities designed for public use and for the transportation of persons or property, such as airports, runways, berms, basins, storage places, sheds, warehouses, and related infrastructure;

"Bonds" means bonds issued by the trust pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.);

"Combined sewer overflow" means the discharge of untreated or partially treated stormwater runoff and wastewater from a combined sewer system into a body of water;

"Combined sewer system" means a sewer system designed to carry sanitary wastewater at all times, which is also designed to collect and transport stormwater runoff from streets and other sources, thereby serving a combined purpose;

"Commissioner" means the Commissioner of the Department of Environmental Protection;

"Cost" means the cost of all labor, materials, machinery and equipment, lands, property, rights and easements, financing charges, interest on bonds, notes or other obligations, plans and specifications, surveys or estimates of costs and revenues, engineering and legal services, and all other expenses necessary or incident to all or part of an environmental infrastructure project;

"Department" means the Department of Environmental Protection;

"Environmental infrastructure project" means the acquisition, construction, improvement, repair or reconstruction of all or part of any structure, facility or equipment, or real or personal property necessary for or ancillary to any: (1) wastewater treatment system project, including any stormwater management or combined sewer overflow abatement projects; or (2) water supply project, as authorized pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.), including any water resources project, as authorized pursuant to P.L.2003, c.162;

"Federal infrastructure bank program" means the United States Department of Transportation State Infrastructure Bank Program provided for in section 350 of Pub.L.104-59 and Pub.L.102-240 as amended or superseded;

"Local government unit" means (1) a State authority, county, municipality, municipal, county or regional sewerage or utility authority, municipal sewerage district, joint meeting, improvement authority, or any other political subdivision of the State authorized to construct, operate, and maintain wastewater treatment

systems; (2) a State authority, district water supply commission, county, municipality, municipal, county or regional utilities authority, municipal water district, joint meeting, or any other political subdivision of the State authorized pursuant to law to operate or maintain a public water supply system or to construct, rehabilitate, operate, or maintain water supply facilities or otherwise provide water for human consumption; (3) a county, municipality, municipal, county or regional transportation authority, or any other political subdivision of the State authorized to construct, operate, or maintain public highways or transportation projects; (4) a county, municipality, or other political subdivision or instrumentality of the State, or a municipal, county, or State authority that is not a bi-state authority, authorized to construct, operate, or maintain ports or marine projects; or (5) a county, municipality, municipal or regional transportation authority, or other political subdivision or instrumentality of the State authorized to construct, operate, or maintain airports or aviation projects;

"Marine project" means a project to develop or improve public port or terminal facilities, and related infrastructure or capital equipment, including, but not limited to, any design, planning, acquisition, construction, reconstruction, relocation, installation, removal, repair, or rehabilitation project that facilitates, increases the efficiency of, or improves the capacity for inter-modal trade and cargo movement for commercial or industrial facilities that are part of port or terminal facilities. "Marine project" includes, but is not limited to, dredging, soil hardening, and paving of the port facilities, and ferry terminal facilities designed for public use and the transportation of persons or property such as water craft, docks, wharves, piers, slips, storage places, sheds, warehouses, and related infrastructure. "Marine project" shall not include any project that relates to or supports recreational or commercial boating activities;

"New Jersey Environmental Infrastructure Financing Program" means the financing program to fund environmental infrastructure projects;

"New Jersey Transportation Infrastructure Financing Program" means the financing program to fund transportation projects, aviation projects, and marine projects;

"Notes" means notes issued by the trust pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4);

"Onsite wastewater treatment and disposal system" means an on-site system designed to treat and dispose of domestic sewage;

"Other assistance" means forms of financial assistance, in addition to loans, authorized by the New Jersey Infrastructure Bank from the State Transportation Infrastructure Bank Fund, the wastewater treatment system

general loan fund, or the water supply facilities general loan fund, including, but not limited to, use of funds to: provide credit enhancements; serve as a capital reserve for bond or other debt instrument financing; subsidize interest rates; ensure the issuance of letters of credit and credit instruments; finance purchase and lease agreements with respect to transit projects; and provide bond or other debt financing instrument security;

"Planning, design, and construction loan" means a short-term or temporary loan for eligible costs incurred in project planning, engineering design, or construction issued before or during the planning stage of a project;

"Project" means the acquisition, construction, improvement, repair or reconstruction of all or part of any structure, facility, or equipment, or real or personal property necessary for or ancillary to any: (1) wastewater treatment system project, including any stormwater management or combined sewer overflow abatement projects; (2) water supply project, as authorized pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.), including any water resources project, as authorized pursuant to P.L.2003, c.162; or (3) transportation project, aviation project, or marine project authorized pursuant to sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4);

"Public highway" means public roads, streets, expressways, freeways, parkways, motorways and boulevards, including bridges, tunnels, overpasses, underpasses, interchanges, express bus roadways, bus pullouts and turnarounds, park-ride facilities, traffic circles, grade separations, traffic control devices, the elimination or improvement of crossings of railroads and highways, whether at-grade or not at-grade, bicycle and pedestrian pathways and pedestrian and bicycle bridges, and any property, rights of way, easements and interests therein needed for the construction, improvement, and maintenance of highways;

"Public water utility" means any investor-owned water company or small water company;

"Small water company" means any company, purveyor or entity, other than a governmental agency, that provides water for human consumption and which regularly serves less than 1,000 customer connections, including non-profit, noncommunity water systems owned or operated by a nonprofit group or organization;

"Stormwater management system" means any equipment, plants, structures, machinery, apparatus, management practices, or land, or any combination thereof, acquired, used, constructed, implemented or operated to prevent nonpoint source pollution, abate improper cross-connections and interconnections between stormwater and sewer systems, minimize stormwater runoff, reduce soil erosion, or induce groundwater recharge, or any combination thereof;

"Transportation project" means a capital project for public highways, approach roadways and other necessary land-side improvements, ramps, signal systems, roadbeds, transit lanes or rights of way, pedestrian walkways and bridges connecting to passenger stations and servicing facilities, bridges, and grade crossings;

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

"Wastewater" means residential, commercial, industrial, or agricultural liquid waste, sewage, septage, stormwater runoff, or any combination thereof, or other liquid residue discharged or collected into a sewer system or stormwater management system, or any combination thereof;

"Wastewater treatment system" means any equipment, plants, structures, machinery, apparatus, or land, or any combination thereof, acquired, used, constructed or operated by, or on behalf of, a local government unit for the storage, collection, reduction, recycling, reclamation, disposal, separation, or other treatment of wastewater or sewage sludge, or for the collection or treatment, or both, of stormwater runoff and wastewater, or for the final disposal of residues resulting from the treatment of wastewater, including, but not limited to, pumping and ventilating stations, treatment plants and works, connections, outfall sewers, interceptors, trunk lines, stormwater management systems, and other personal property and appurtenances necessary for their use or operation; "wastewater treatment system" shall include a stormwater management system or a combined sewer system;

"Wastewater treatment system project" means any work relating to the acquisition, construction, improvement, repair or reconstruction of all or part of any structure, facility or equipment, or real or personal property necessary for or ancillary to any wastewater treatment system that meets the requirements set forth in sections 20, 21, and 22 of P.L.1985, c.334 (C.58:11B-20, C.58:11B-21, and C.58:11B-22); or any work relating to any of the stormwater management or combined sewer overflow abatement projects identified in the stormwater management and combined sewer overflow abatement project priority list adopted by the commissioner pursuant to section 28 of P.L.1989, c.181; or any work relating to the purposes set forth in section 6 of P.L.2003, c.162; or any work relating to any other project eligible for financing under the "Federal Water Pollution Control Act Amendments of 1972" (33 U.S.C. s.1251 et seq.), or any amendatory or supplementary acts thereto;

"Water resources project" means any work related to transferring water between public water systems during a state of water emergency, to avert a drought emergency in all or any part of the State, to plan, design or construct

interconnections of existing water supplies, or to extend water supplies to areas with contaminated ground water supplies;

"Water supply facilities" means and refers to the real property and the plants, structures, interconnections between existing water supply facilities, machinery and equipment and other property, real, personal and mixed, acquired, constructed or operated, or to be acquired, constructed or operated, in whole or in part, by or on behalf of a public water utility, or by or on behalf of the State or a local government unit, for the purpose of augmenting the natural water resources of the State and making available an increased supply of water for all uses, or of conserving existing water resources, and any and all appurtenances necessary, useful or convenient for the collecting, impounding, storing, improving, treating, filtering, conserving or transmitting of water, and for the preservation and protection of these resources and facilities, whether in public or private ownership, and providing for the conservation and development of future water supply resources, and facilitating incidental recreational uses thereof;

"Water supply project" means any work relating to the acquisition, construction, improvement, repair or reconstruction of all or part of any structure, facility or equipment, or real or personal property necessary for or ancillary to water supply facilities that meets the requirements set forth in sections 24, 25, and 26 of P.L.1997, c.224 (C.58:11B-20.1, C.58:11B-21.1, and C.58:11B-22.1); or any work relating to the purposes set forth in section 4 of P.L.1981, c.261; or any work relating to the purposes set forth in section 6 of P.L.2003, c.162; or any work relating to any other project eligible for funding pursuant to the federal "Safe Drinking Water Act Amendments of 1996," Pub.L.104-182, and any amendatory and supplementary acts thereto.

2. Section 5 of P.L.1985, c.334 (C.58:11B-5) is amended to read as follows:

C.58:11B-5 Powers.

5. Except as otherwise limited by the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), the trust may:

a. Make and alter bylaws for its organization and internal management and, subject to agreements with holders of its bonds, notes or other obligations, make rules and regulations with respect to its operations, properties and facilities;

b. Adopt an official seal and alter it;

c. Sue and be sued;

d. Make and enter into all contracts, leases and agreements necessary or incidental to the performance of its duties and the exercise of its powers under the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), and subject to any agreement with the holders of the trust's bonds, notes or other obligations, consent to any modification, amendment or revision of any contract, lease or agreement to which the trust is a party;

e. Enter into agreements or other transactions with and accept, subject to the provisions of section 23 of P.L.1985, c.334 (C.58:11B-23), grants, appropriations and the cooperation of the State, or any State agency, in furtherance of the purposes of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), and do anything necessary in order to avail itself of that aid and cooperation;

f. Receive and accept aid or contributions from any source of money, property, labor or other things of value, to be held, used and applied to carry out the purposes of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), subject to the conditions upon which that aid and those contributions may be made, including, but not limited to, gifts or grants from any department or agency of the State, or any State agency, for any purpose consistent with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), subject to the provisions of section 23 of P.L.1985, c.334 (C.58:11B-23);

g. Acquire, own, hold, construct, improve, rehabilitate, renovate, operate, maintain, sell, assign, exchange, lease, mortgage or otherwise dispose of real and personal property, or any interest therein, in the exercise of its powers and the performance of its duties under the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4);

h. Appoint and employ an executive director and any other officers or employees as it may require for the performance of its duties, without regard to the provisions of Title 11A of the New Jersey Statutes;

i. Borrow money and issue bonds, notes and other obligations, and secure the same, and provide for the rights of the holders thereof as provided in the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4);

j. Subject to any agreement with holders of its bonds, notes or other obligations, invest moneys of the trust not required for immediate use, including proceeds from the sale of any bonds, notes or other obligations, in any obligations, securities and other investments in accordance with the rules and regulations of the State Investment Council or as may otherwise be approved by the Director of the Division of Investment in the Department of the Treasury upon a finding that such investments are consistent with the corporate purposes of the trust;

k. Procure insurance to secure the payment of its bonds, notes or other obligations or the payment of any guarantees or loans made by it in accordance with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), or against any loss in connection with its property and other assets and operations, in any amounts and from any insurers as it deems desirable;

l. Engage the services of attorneys, accountants, engineers, and financial experts and any other advisors, consultants, experts and agents as may be necessary in its judgment and fix their compensation;

m. (1) Make and contract to make loans and provide other assistance to local government units, or to a local government unit on behalf of another local government unit, to finance the cost of wastewater treatment system projects or water supply projects and acquire and contract to acquire notes, bonds or other obligations issued or to be issued by any local government units to evidence the loans, all in accordance with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.);

(2) Make and contract to make loans and provide other assistance to public water utilities, or to any other person or local government unit on behalf of a public water utility, to finance the cost of water supply projects in accordance with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.);

(3) Make and contract to make loans and provide other assistance to private persons other than local government units, or to any other person or local government unit on behalf of a private person, to finance the cost of

onsite wastewater treatment and disposal systems or stormwater management systems in accordance with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.);

(4) Make and contract to make loans and provide other assistance to one or more local government units or consortia thereof to finance the cost of transportation projects, aviation projects, and marine projects in accordance with applicable provisions of the federal infrastructure bank program and pursuant to sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4);

n. Subject to any agreement with holders of its bonds, notes or other obligations, purchase bonds, notes and other obligations of the trust and hold the same for resale or provide for the cancellation thereof, all in accordance with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4);

o. (1) Charge to and collect from local government units, private persons or public water utilities any fees and charges in connection with the trust's loans, guarantees or other services, including, but not limited to, fees and charges sufficient to reimburse the trust for all reasonable costs necessarily incurred by it in connection with its financings and the establishment and maintenance of reserve or other funds, as the trust may determine to be reasonable. The fees and charges shall be in accordance with a uniform schedule published by the trust for the purpose of providing actual cost reimbursement for the services rendered;

(2) Any fees and charges collected by the trust pursuant to this subsection may be deposited and maintained in a special fund separate from any other funds held by the trust pursuant to section 10 of P.L.1985, c.334 (C.58:11B-10) or section 23 of P.L.1997, c.224 (C.58:11B-10.1), and shall be available for any corporate purposes of the trust;

p. Subject to any agreement with holders of its bonds, notes or other obligations, obtain as security or to provide liquidity for payment of all or any part of the principal of and interest and premium on the bonds, notes and other obligations of the trust or for the purchase upon tender or otherwise of the bonds, notes or other obligations, lines of credit, letters of credit and other security agreements or instruments in any amounts and upon any terms as the trust may determine, and pay any fees and expenses required in connection therewith;

q. Provide to local government units any financial and credit advice as these local government units may request;

r. Make payments to the State from any moneys of the trust available therefor as may be required pursuant to any agreement with the State or act appropriating moneys to the trust; and

s. Take any action necessary or convenient to the exercise of the foregoing powers or reasonably implied therefrom.

3. Section 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.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), the trust may 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.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4) 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. Notwithstanding any provisions of the "Local Bond Law," N.J.S.40A:2-1 et seq., to the contrary, each bond, note or other obligation shall mature and be paid not later than 30 years for environmental infrastructure projects, 45 years for combined sewer overflow projects, and 31 years for transportation projects, aviation projects, and marine projects, from the effective date thereof, or the certified useful life of the project or projects to be financed by the bonds, whichever is less, or a shorter period of time as may be applicable to any companion loan issued pursuant to federal law or regulation. Notwithstanding the provisions of the "Local Bond Law," N.J.S.40A:2-1 et seq., or this subsection, to the contrary, each bond, note, or other obligation funded pursuant to the "Water Infrastructure Finance and Innovation Act of 2014" (WIFIA), 33 U.S.C. s.3901 et seq., as amended and supplemented, or the "Transportation Infrastructure Finance and Innovation Act of 1998" (TIFIA), 23 U.S.C. s.601 et seq., as amended and supplemented, shall mature and be paid not later than the maximum time period allowed by those federal acts.

All bonds of the trust shall be sold at public or private sale at the price or prices and in the manner as the trust shall determine, either on a negotiated or on a competitive basis. If competitively sold, bonds shall be sold 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.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4) 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.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4).

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.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4) 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.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4). Each 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.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), and 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 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) \$3,800,000,000 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 three percent 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).

4. Section 9 of P.L.1985, c.334 (C.58:11B-9) is amended to read as follows:

C.58:11B-9 Loans to local governments.

9. a. (1) The trust may make and contract to make loans to local government units, or to a local government unit on behalf of another local government unit, in accordance with and subject to the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to finance the cost of any wastewater treatment system project or water supply project, which the local government unit may lawfully undertake or acquire and for which the local government unit is authorized by law to borrow money.

(2) The trust may make and contract to make loans to public water utilities, or to any other person or local government unit on behalf of a public water utility, in accordance with and subject to the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to finance the cost of any water supply project, which the public water utility may lawfully undertake or acquire.

(3) The trust may make and contract to make loans to private persons other than local government units, or to any other person or local government unit on behalf of a private person, in accordance with and subject to the provisions

of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to finance the cost of stormwater management systems.

(4) The trust may make and contract to make loans and provide other assistance to a local government unit or consortia thereof to finance the cost of transportation projects, aviation projects, and marine projects pursuant to sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), and provided that the federally-funded transportation subaccount is operated in accordance with the provisions of the federal infrastructure bank program.

The loans may be made subject to those terms and conditions as the trust shall determine to be consistent with the purposes thereof. Each loan by the trust and the terms and conditions thereof shall be subject to approval by the State Treasurer, and the trust shall make available to the State Treasurer all information, statistical data and reports of independent consultants or experts as the State Treasurer shall deem necessary in order to evaluate the loan. Each loan to a local government unit, public water utility or any other person shall be evidenced by notes, bonds or other obligations thereof issued to the trust. In the case of each local government unit, notes and bonds to be issued to the trust and, if applicable, the State, acting by and through the Department of Environmental Protection, by the local government unit (1) shall be authorized and issued as provided by law for the issuance of notes and bonds by the local government unit, (2) notwithstanding any provisions of the "Local Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et seq.) to the contrary, shall be approved by the Director of the Division of Local Government Services in the Department of Community Affairs, and (3) notwithstanding the provisions of N.J.S.40A:2-27, N.J.S.40A:2-28 and N.J.S.40A:2-29 or any other provisions of law to the contrary, may be sold at private sale to the trust or the State, as the case may be, at any price, whether or not less than par value, and shall be subject to redemption prior to maturity at any times and at any prices as the trust or the State, as the case may be, and local government units may agree. Each loan to a local government unit, public water utility or any other person and the notes, bonds or other obligations thereby issued shall bear interest at a rate or rates per annum as the trust or the State, as the case may be, and the local government unit, public water utility or any other person, as the case may be, may agree.

b. The trust is authorized to guarantee or contract to guarantee the payment of all or any portion of the principal and interest on bonds, notes or other obligations issued by a local government unit to finance the cost of any wastewater treatment system project, water supply project, transportation project, aviation project, or marine project which the local government unit

may lawfully undertake or acquire and for which the local government unit is authorized by law to borrow money, and the guarantee shall constitute an obligation of the trust for the purposes of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4). Each guarantee by the trust and the terms and 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 including, without limitation, any funds drawn by the trust from a revolving line of credit or other similar financial vehicle that may be procured by the trust, either through a competitive or negotiated process, pursuant to section 5 of P.L.1985, c.334 (C.58:11B-5), for deposit into the Interim Environmental Financing Program Fund or the trust may issue its bonds, notes or other obligations, including commercial paper issued through a competitive or negotiated process, in any principal amounts, in either case, as in the judgment of the trust shall be necessary to provide sufficient funds to finance or refinance short-term or temporary loans to local government units, public water utilities or private persons for any wastewater treatment system projects included on the Department of Environmental Protection project priority list and eligible for approval pursuant to section 20 of P.L.1985, c.334 (C.58:11B-20) or water supply projects included on the Department of Environmental Protection project priority list and eligible for approval pursuant to section 24 of P.L.1997, c.224 (C.58:11B-20.1), as applicable, without regard to any other provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.), including, without limitation, any administrative or legislative approvals.

The trust shall create and establish a special fund to be known as the "Interim Environmental Financing Program Fund" for the short-term or temporary loan financing or refinancing program to be known as the "Interim Environmental Financing Program." The monies in the fund shall be used for short-term or temporary loans for clean water and drinking water projects pursuant to the New Jersey Environmental Infrastructure Financing Program.

Except as provided in section 1 of P.L.2013, c.93 (C.58:11B-9.5), any short-term or temporary loans made by the trust pursuant to this subsection may only be made in advance of the anticipated loans the trust may make and contract to make under the provisions of subsection a. of this section from any source of funds anticipated to be received by the trust. Any such short-term or temporary loan made pursuant to the Interim Environmental Financing Program shall mature no later than the last day of the third succeeding fiscal year following the closing date on which the short-term or temporary loan was made by the trust to the project sponsor; except a planning, design, and construction loan shall mature no later than the last day of the fifth succeeding fiscal year following the closing date of the planning, design, and construction loan or the last day of the third succeeding fiscal year following the date of construction certification following the closing date of the planning, design, and construction loan, whichever is sooner, provided that, in either case, project planning or engineering design activities shall not exceed two years from the closing date of the planning, design, and construction loan; and except a short-term or temporary loan made pursuant to this subsection for environmental planning and engineering design costs associated with long-term control plans for combined sewer overflow projects shall mature no later than the last day of the 10th succeeding fiscal year following the closing date on which the short-term or temporary loan was made by the trust to the project sponsor; and except a short-term or temporary loan made pursuant to this subsection which has been submitted as part of an application for funding pursuant to the "Water Infrastructure Finance and Innovation Act of 2014" (WIFIA), 33 U.S.C. s.3901 et seq., as amended and supplemented, shall mature not later than the funding draw period allowed by this federal act. Any short-term or temporary loan or planning, design and construction loan made by the trust pursuant to this subsection may mature in a shorter period of time as may be necessary to align with construction completion. With respect to any short-term or temporary loan or planning, design, and construction loan made by the trust pursuant to this subsection, the trust may authorize one short-term supplemental loan for residual project expenses thereof upon receipt by the trust from the Department of Environmental Protection of a certification that states that the time required by the project sponsor to complete construction of the project exceeds the maximum maturity date of the project sponsor's outstanding short-term or temporary loan or planning, design, and construction loan. Any such short-term supplemental loan shall not exceed in duration the last day of the third succeeding fiscal year following the loan closing of the supplemental loan. The trust

may make short-term or temporary loans pursuant to the Interim Environmental Financing Program to any one or more of the project sponsors, for the respective projects thereof, identified in the interim financing project priority list to be known as the "Interim Environmental Financing Program Project Priority List" in the form provided to the Legislature by the Commissioner of Environmental Protection.

The Interim Environmental Financing Program Project Priority List, including any revision thereof or supplement thereto, shall be submitted to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) at least once in each fiscal year as provided in section 20 of P.L.1985, c.334 (C.58:11B-20) and section 24 of P.L.1997, c.224 (C.58:11B-20.1). The Secretary and the Clerk shall cause the date of submission to be entered upon the Senate Journal and the Minutes of the General Assembly, respectively. The trust may revise or supplement the Interim Environmental Financing Program Project Priority List no more than four times during the fiscal year and shall submit the revised list to the Legislature when the revisions are made. Any environmental infrastructure project or the project sponsor thereof not identified in the Interim Environmental Financing Program Project Priority List shall not be eligible for a short-term or temporary loan from the Interim Environmental Financing Program Fund. The trust may issue short-term or temporary loans pursuant to this subsection only if a project is listed on an Interim Environmental Financing Program Project Priority List that has been submitted to the Legislature. No funds may be disbursed pursuant to this section for environmental infrastructure project activities prior to a determination and certification, in writing, from the Department of Environmental Protection, that the project activities satisfy the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.).

e. Notwithstanding any provisions of the "Local Bond Law" (N.J.S.40A:2-1 et seq.), the "sewerage authorities law," P.L.1946, c.138 (C.40:14A-1 et seq.), or the "municipal and county utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.) to the contrary, short-term or temporary loans made by the trust pursuant to section 9 of P.L.1985, c.334 (C.58:11B-9) or section 1 of P.L.2013, c.93 (C.58:11B-9.5), and the obligations issued by project sponsors to evidence such loans, may, at the discretion of the trust and upon application by the project sponsor, bear interest at a variable rate determined pursuant to a methodology as may be established by the trust from time to time.

Further, notwithstanding any provisions of the "Local Bond Law" (N.J.S.40A:2-1 et seq.), the "sewerage authorities law," P.L.1946, c.138 (C.40:14A-1 et seq.), or the "municipal and county utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.) to the contrary, any short-term or temporary

loans made by the trust pursuant to section 9 of P.L.1985, c.334 (C.58:11B-9) or section 1 of P.L.2013, c.93 (C.58:11B-9.5), and any notes or other obligations issued by project sponsors to evidence such short-term or temporary loans, as such loans, notes, or other obligations may be refinanced or extended, as provided in subsections d. and g. of this section and section 1 of P.L.2013, c.93 (C.58:11B-9.5), except for loans for environmental planning and engineering design costs associated with long-term control plans for combined sewer overflow projects as provided in subsection d. of this section, shall mature no later than the maturity date as established pursuant to subsections d. and g. of this section and section 1 of P.L.2013, c.93 (C.58:11B-9.5), without payment by project sponsors of any portion of the principal thereof prior to maturity.

f. Any balances remaining in the Emergency Loan Fund established pursuant to section 4 of P.L.2007, c.138 (C.58:11B-9.1), the Planning and Design Fund established pursuant to section 1 of P.L.2009, c.59 (C.58:11B-9.2), the Onsite Wastewater Disposal Loan Fund established pursuant to section 5 of P.L.2009, c.103 (C.58:11B-9.3), the Supplemental Loan Fund established pursuant to section 2 of P.L.2011, c.94 (C.58:11B-9.4), and the Equipment Loan Fund established pursuant to section 1 of P.L.2014, c.28 (C.58:11B-9.6) after the date of enactment of P.L.2016, c.30 shall be transferred to the Interim Environmental Financing Program Fund, and any loan repayments to the trust of principal and interest or premium on loans made from those funds shall be credited to the Interim Environmental Financing Program Fund.

g. The trust shall create and establish a special fund to be known as the "Interim Transportation Financing Program Fund" for the short-term or temporary loan financing or refinancing program to be known as the "Interim Transportation Financing Program."

Notwithstanding any provision of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to the contrary, the trust may receive funds from any source including, without limitation, any funds drawn by the trust from a revolving line of credit or other similar financial vehicle that may be procured by the trust, either through a competitive or negotiated process, pursuant to section 5 of P.L.1985, c.334 (C.58:11B-5), for deposit into the Interim Transportation Financing Program Fund or the trust may issue its bonds, notes or other obligations in any principal amounts, in either case, as in the judgment of the trust shall be necessary to provide sufficient funds to finance or refinance short-term or temporary loans to local government units or private persons for any transportation project, aviation project, or marine project included on the Department of Transportation Interim Transportation Financing Program Project Priority List for the ensuing fiscal year and eligible for approval pursuant to sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5,

C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), without regard to any other provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), including, without limitation, any administrative or legislative approvals.

Any short-term or temporary loans made by the trust pursuant to this subsection may only be made in advance of the anticipated loans the trust may make and contract to make under the provisions of subsection a. of this section from any source of funds anticipated to be received by the trust. Any such short-term or temporary loan made pursuant to the Interim Transportation Financing Program shall mature no later than the last day of the third succeeding fiscal year following the closing date on which the short-term or temporary loan was made by the trust to the project sponsor; except a planning, design, and construction loan shall mature no later than the last day of the fifth succeeding fiscal year following the closing date of the planning, design, and construction loan or the last day of the third succeeding fiscal year following the date of construction certification following the closing date of the planning, design, and construction loan, whichever is sooner, provided that, in either case, project planning or engineering design activities shall not exceed two years from the closing date of the planning, design, and construction loan and except a short-term or temporary loan made pursuant to this subsection which has been submitted as part of an application for funding pursuant to the "Transportation Infrastructure Finance and Innovation Act of 1998" (TIFIA), 23 U.S.C. s.601 et seq., as amended and supplemented, shall mature not later than the funding draw period allowed by this federal act. Any short-term or temporary loan or planning, design and construction loan made by the trust pursuant to this subsection may mature in a shorter period of time as may be necessary to align with construction completion. With respect to any short-term or temporary loan or planning, design, and construction loan made by the trust pursuant to this subsection, the trust may authorize one short-term supplemental loan for residual expenses thereof upon receipt by the trust from the Department of Transportation of a certification that states that the time required by the project sponsor to complete construction of the project exceeds the maximum maturity date of the short-term or temporary loan or planning, design, and construction loan. Any such short-term supplemental loan shall not exceed in duration the last day of the third succeeding fiscal year following the loan closing of the short-term supplemental loan. The trust may make short-term or temporary loans pursuant to the Interim Transportation Financing Program to any one or more of the project sponsors, for the respective projects thereof, only if a project is identified in the Department of Transportation Interim

Transportation Financing Program Project Priority List to be known as the "Interim Transportation Financing Program Project Priority List" in the form provided to the Legislature by the Commissioner of Transportation.

The Interim Transportation Financing Program Project Priority List, including any revision thereof or supplement thereto, shall be submitted to the Secretary of the Senate and the Clerk of the General Assembly on or before July 1 of each year. The Interim Transportation Financing Program Project Priority List shall be submitted to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) at least once in each fiscal year. The Secretary and the Clerk shall cause the date of submission to be entered upon the Senate Journal and the Minutes of the General Assembly, respectively. Any transportation infrastructure project or the project sponsor thereof not identified in the Interim Transportation Financing Program Project Priority List shall not be eligible for a short-term or temporary loan from the Interim Transportation Financing Program Fund. The trust may revise or supplement the Interim Transportation Financing Program Project Priority List no more than four times during the fiscal year, and shall submit the revised list to the Legislature when the revisions are made.

No funds may be disbursed pursuant to this subsection for transportation project, aviation project, or marine project activities prior to certification in writing, from the trust, that the project activities satisfy the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4). Construction activities for a transportation project shall also require written notification of award concurrence from the Department of Transportation prior to fund disbursement.

5. Section 1 of P.L.2013, c.93 (C.58:11B-9.5) is amended to read as follows:

C.58:11B-9.5 "Disaster Relief Emergency Financing Program Fund."

1. a. The trust shall create and establish a special fund to be known as the "Disaster Relief Emergency Financing Program Fund" for the disaster relief emergency short-term or temporary loan program of the trust to be known as the "Disaster Relief Emergency Financing Program." There shall be established within the fund two subaccounts: an environmental subaccount that shall be approved to receive environmental funds and finance environmental infrastructure projects; and a transportation subaccount that

shall be approved to receive transportation funds and finance transportation projects, aviation projects, and marine projects.

(1) The environmental subaccount of the Disaster Relief Emergency Financing Program Fund shall be credited with:

(a) moneys deposited in the environmental subaccount as administrative fees received by the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5) that are attributable to the Environmental Infrastructure Financing Program;

(b) moneys received by the trust as repayment of the principal of and the interest or premium on loans made from the environmental subaccount;

(c) any interest earnings received on the moneys in the environmental subaccount;

(d) such other moneys as the Legislature may appropriate to the trust for deposit into the environmental subaccount at any time to finance or refinance emergency short-term or temporary environmental infrastructure project loans pursuant to the Disaster Relief Emergency Financing Program;

(e) 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 environmental subaccount to finance or refinance emergency short-term or temporary environmental infrastructure project loans pursuant to the Disaster Relief Emergency Financing Program; and

(f) 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 environmental subaccount to finance or refinance emergency short-term or temporary environmental infrastructure project loans pursuant to the Disaster Relief Emergency Financing Program, including, without limitation, any funds drawn by the trust from (i) a revolving line of credit or other similar financial vehicle, or (ii) a commercial paper financing program, either through a competitive or negotiated process, that may be procured by the trust pursuant to the provisions of section 5 of P.L.1985, c.334 (C.58:11B-5), for deposit into the environmental subaccount to finance or refinance emergency short-term or temporary environmental infrastructure project loans pursuant to the Disaster Relief Emergency Financing Program.

(2) The transportation subaccount of the Disaster Relief Emergency Financing Program Fund shall be credited with:

(a) moneys deposited in the transportation subaccount as administrative fees received by the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5) that are attributable to the Transportation Financing Program;

(b) moneys received by the trust as repayment of the principal of and the interest or premium on loans made from the transportation subaccount;

(c) any interest earnings received on the moneys in the transportation subaccount;

(d) such other moneys as the Legislature may appropriate to the trust for deposit into the transportation subaccount at any time to finance or refinance emergency short-term or temporary transportation loans pursuant to the Disaster Relief Emergency Financing Program;

(e) 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 transportation subaccount to finance or refinance emergency short-term or temporary transportation loans pursuant to the Disaster Relief Emergency Financing Program; and

(f) 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 transportation subaccount to finance or refinance emergency short-term or temporary transportation loans pursuant to the Disaster Relief Emergency Financing Program, including, without limitation, any funds drawn by the trust from (i) a revolving line of credit or other similar financial vehicle, or (ii) a commercial paper financing program, either through a competitive or negotiated process, that may be procured by the trust pursuant to the provisions of section 5 of P.L.1985, c.334 (C.58:11B-5).

b. Notwithstanding any provision of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4) to the contrary, the trust may make emergency short-term or temporary Disaster Relief Emergency Financing Program loans to: (1) local government units to finance or refinance the costs incurred in the environmental planning and design associated with the wastewater treatment system projects, and to finance wastewater treatment system projects, as applicable; (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 to finance water supply projects, as applicable; or (3) local government units to finance or refinance the costs incurred in the planning and design associated with transportation projects, aviation projects, and marine projects, and to finance transportation projects, aviation projects, and marine projects, as applicable.

Funds may only be disbursed for emergency short-term or temporary loans upon the determination and certification in writing by the Department of

Environmental Protection for environmental infrastructure projects, and by the Department of Transportation for transportation projects, aviation projects, and marine projects, that any such project costs are necessary and appropriate to: repair damages to a wastewater treatment system, water supply facility, transportation system, airport facility, or marine port or terminal facility directly arising from an act of terrorism, seismic activity, weather conditions, or other emergency event that occurred within the three fiscal years after a declaration by the Governor of a state of emergency, provided the wastewater treatment system, water supply facility, transportation system, airport facility, or marine port or terminal 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, water supply facility, transportation system, airport facility, or marine port or terminal facility, from an act of terrorism, seismic activity, weather conditions, or other emergency event comparable in scope and severity to the act of terrorism, seismic activity, weather conditions, or other emergency event that occurred within the three fiscal years after a declaration by the Governor of a state of emergency, provided the wastewater treatment system, water supply facility, transportation system, airport facility, or marine port or terminal facility is located in a county included in the Governor's state of emergency declaration, without regard to any other provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), including, without limitation, the provisions of section 20 of P.L.1985, c.334 (C.58:11B-20), section 24 of P.L.1997, c.224 (C.58:11B-20.1), the Interim Environmental Financing Program Project Priority List pursuant to subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9), or the Interim Transportation Financing Program Project Priority List pursuant to subsection g. of section 9 of P.L.1985, c.334 (C.58:11B-9), or any administrative or legislative approvals. A project shall be eligible for emergency short-term or temporary loans pursuant to this section if it is identified on a Disaster Relief Emergency Financing Program Project Priority List no more than three years after the conditions that gave rise to a declaration by the Governor of a state of emergency. Any such short-term or temporary loan pursuant to the Disaster Relief Emergency Financing Program shall mature no later than the last day of the third succeeding fiscal year following the closing date on which the short-term or temporary loan was made by the trust to the project sponsor; except a planning, design, and construction loan shall mature no later than the last day of the fifth succeeding fiscal year following the closing date of the planning, design, and construction loan or the last day of the third succeeding fiscal year following the date of

construction certification following the closing date of the planning, design, and construction loan, whichever is sooner, provided that, in either case, project planning or engineering design activities shall not exceed two years from the closing date of the planning, design, and construction loan. With respect to any short-term or temporary loan or planning, design, and construction loan made by the trust pursuant to this subsection, the trust may authorize one short-term supplemental loan for residual project expenses thereof upon receipt by the trust from the Department of Environmental Protection or the Department of Transportation, as appropriate, of a certification that states that the time required by the project sponsor to complete construction of the project exceeds the maximum maturity date of the short-term or temporary loan or planning, design, and construction loan. Any such short-term supplemental loan shall not exceed in duration the last day of the third succeeding fiscal year following the loan closing of the short-term supplemental loan.

c. The trust may make short-term or temporary loans pursuant to the Disaster Relief Emergency Financing Program to one or more of the project sponsors, for the respective projects thereof, provided that the project is identified on the Environmental Disaster Relief Emergency Financing Program project priority list to be known as the "Environmental Disaster Relief Emergency Financing Program Project Priority List" no later than three years after the date of the declaration by the Governor of a state of emergency in the form provided to the Legislature by the Commissioner of Environmental Protection, or the Transportation Disaster Relief Emergency Financing Program project priority list to be known as the "Transportation Disaster Relief Emergency Financing Program Project Priority List" no later than three years after the date of the declaration by the Governor of a state of emergency in the form provided to the Legislature by the Commissioner of the Department of Transportation. However, a project may be eligible for funding pursuant to this section more than three years after the date of the declaration by the Governor of a state of emergency if the project was first included on an Environmental Disaster Relief Emergency Financing Program Project Priority List or a Transportation Disaster Relief Emergency Financing Program Project Priority List within three years after the date of the declaration by the Governor of a state of emergency and continues to be identified on the Environmental Disaster Relief Emergency Financing Program Project Priority List or the Transportation Disaster Relief Emergency Financing Program Project Priority List in the fiscal year in which the funding is issued. The Environmental Disaster Relief Emergency Financing Program Project Priority List and the Transportation Disaster Relief Emergency Financing Program Project Priority List shall be submitted to the Legislature pursuant to

section 2 of P.L.1991, c.164 (C.52:14-19.1) at least once in each fiscal year. A project or a project sponsor thereof not identified on the Environmental Disaster Relief Emergency Financing Program Project Priority List or Transportation Disaster Relief Emergency Financing Program Project Priority List submitted to the Legislature shall not be eligible for a short-term or temporary loan from the Disaster Relief Emergency Financing Program Fund.

d. The trust shall submit a report on the Disaster Emergency Financing Program to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) on or before January 15 of each year. The Secretary of the Senate and the Clerk of the General Assembly shall cause the date of submission to be entered upon the Senate Journal and the Minutes of the General Assembly, respectively. The report shall identify the environmental infrastructure projects, transportation projects, aviation projects, and marine projects financed during the prior fiscal year through the program including a project description, the amount of the Disaster Relief Emergency Financing Program loan provided for each project, and the duration of each loan.

6. Section 22 of P.L.2016, c.56 (C.58:11B-10.3) is amended to read as follows:

C.58:11B-10.3 Transportation Loan Origination Fee Fund.

22. a. There is established in the New Jersey Infrastructure Bank a special fund to be known as the Transportation Loan Origination Fee Fund.

The Transportation Loan Origination Fee Fund shall be credited with:

(1) moneys deposited into the fund as loan origination fees received by the trust and paid by loan applicants for transportation projects, aviation projects, and marine projects financed under the New Jersey Transportation Infrastructure Financing Program; and

(2) any interest paid on the amounts of the transportation loan origination fees.

b. Moneys in the Transportation Loan Origination Fee Fund shall be drawn and used by the trust to reimburse the trust and then the Department of Transportation for administrative and operating expenses incurred in administering the New Jersey Transportation Infrastructure Financing Program, except that the total amount expended by the trust for administrative and operating expenses in any fiscal year shall not exceed \$8,000,000. The monies in the Transportation Loan Origination Fee Fund shall also be available for application by the trust for loans to local government units for the cost of transportation projects, aviation projects, and marine projects. Amounts in excess of the funds drawn by the Department of Transportation from the Transportation Loan Origination Fee Fund

during any given fiscal year shall be carried forward into the following fiscal year and held on deposit in the fund.

c. As used in this section, "transportation loan origination fee" means the fee charged by the trust in connection with engineering and environmental services provided by the Department of Transportation to a project sponsor pursuant to such project sponsor's participation in the New Jersey Transportation Financing Program. A project sponsor may finance any portion of the transportation loan origination fee through the trust through a transportation loan by the trust to such project sponsor.

7. Section 34 of P.L.2016, c.56 (C.58:11B-10.4) is amended to read as follows:

C.58:11B-10.4 State Transportation Infrastructure Bank Fund.

34. a. There is established in the New Jersey Infrastructure Bank a special fund to be known as the State Transportation Infrastructure Bank Fund. The monies in the fund shall only be used for transportation projects, aviation projects, and marine projects funded by the New Jersey Transportation Infrastructure Financing Program. There shall be established within the fund, four subaccounts: (1) a federally-funded transportation project subaccount that shall be approved to receive federal funds and related State matching funds pursuant to the federal infrastructure bank program provided for in section 350 of Pub.L.104-59 and Pub.L.102-240 as amended or superseded, and (2) a State-funded transportation project subaccount that shall be approved to receive only State funds in excess of those required to be deposited in the federally-funded transportation project subaccount; (3) an aviation project subaccount that shall be approved to receive funds related to the financing of aviation projects; and (4) a marine project subaccount that shall be approved to receive funds related to the financing of marine projects. The State-funded transportation project subaccount shall be ineligible to receive any federal funds. However, funds in the State-funded transportation project subaccount shall be eligible for transfer into the federally-funded transportation project subaccount in the discretion of the trust for the purpose of related match funding of the federally-funded transportation project subaccount. The amounts in the aviation project subaccount shall be available for application by the trust for loans to local government units for the cost of aviation projects, and for other corporate purposes of the trust related to aviation projects. All moneys placed into the aviation project subaccount shall be held separate from other funds of the State Transportation Infrastructure Bank Fund, and no aviation project subaccount funds shall be combined or comingled with

any funds that finance transportation projects or marine projects. The amounts in the marine project subaccount shall be available for application by the trust for loans to local government units for the cost of marine projects, and for other corporate purposes of the trust related to marine projects. All moneys placed into the marine project subaccount shall be held separate from other funds of the State Transportation Infrastructure Bank Fund, and no marine subaccount funds shall be combined or comingled with any funds that finance transportation projects or aviation projects.

The State Transportation Infrastructure Bank Fund shall be credited with:

(1) (a) State and federal funds appropriated to the federally-funded transportation project subaccount of the State Transportation Infrastructure Bank Fund pursuant to the federal infrastructure bank program provided for in section 350 of Pub.L.104-59 and Pub.L.102-240 as amended or superseded,

(b) State funds in excess of any minimum State match required under the federal infrastructure bank program, appropriated to the State-funded transportation project subaccount of the State Transportation Infrastructure Bank Fund,

(c) State and federal funds appropriated to the aviation project subaccount of the State Transportation Infrastructure Bank funds, and

(d) State and federal funds appropriated to the marine subaccount of the State Transportation Infrastructure Bank Fund;

(2) monetary donations made available to the State to support the State Transportation Infrastructure Bank Fund;

(3) moneys received as repayment of the principal of and the interest or premium on loans made from the State Transportation Infrastructure Bank Fund;

(4) any interest earnings received on the moneys in the State Transportation Infrastructure Bank Fund and the four subaccounts of the fund; and

(5) such other moneys as the Legislature may appropriate to the trust for deposit into the State Transportation Infrastructure Bank Fund at any time to finance or refinance transportation project, aviation project, or marine project loans issued from funds in the State Transportation Infrastructure Bank Fund.

b. Notwithstanding any provision of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.) or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4) to the contrary, all moneys placed into the State Transportation Infrastructure Bank Fund shall be held separate from other funds of the trust, and no transportation funds, aviation funds, or marine funds shall be combined or comingled with any funds that finance (1) wastewater treatment system projects, (2) water supply projects, or (3) other environmental infrastructure projects, that are not transportation projects, aviation projects, or marine projects.

c. All moneys placed into the State-funded transportation project subaccount of the State Transportation Infrastructure Bank Fund shall be held separate from any federal funds provided for the federally-funded transportation project subaccount of the State Transportation Infrastructure Bank Fund.

d. Notwithstanding any provision of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.) or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4) to the contrary, the trust may provide loans or other assistance to one or more local government units or consortia thereof for the purpose of financing all or a portion of the costs incurred for the planning, acquisition, engineering, construction, reconstruction, repair, and rehabilitation of a transportation project, aviation project, or marine project, provided that monies from the federally-funded transportation project subaccount are limited to the purposes permitted under the federal infrastructure bank program.

e. In addition to the financing described in subsection d. of this section, a portion, not to exceed 10 percent, of the assistance provided from the State-funded transportation project subaccount of the State Transportation Infrastructure Bank Fund may be issued in the form of grants.

f. Loans or other assistance granted pursuant to this section shall be considered an investment or reinvestment by the State Transportation Infrastructure Bank Fund, provided that monies from the federally-funded transportation project subaccount are limited to the purposes permitted under the federal infrastructure bank program, and not a loan within the meaning of section 12 of P.L.1995, c.108 (C.27:1B-21.5).

g. The refinancing of debt relating to an existing transportation project, aviation project, or marine project shall not be an eligible form of assistance from the State Transportation Infrastructure Bank Fund, and a loan shall not be granted unless the applicant can demonstrate to the satisfaction of the trust that the assistance being sought is not for the refinancing of debt relating to an existing transportation project, aviation project, or marine project.

h. Any project, the use or purpose of which is private and for which no public benefit is created, shall not be eligible for financial assistance from the trust.

i. The trust shall consider the following factors when setting an interest rate on a loan provided pursuant to this section: (1) the current market rates for comparable obligations; (2) the nature of the project; (3) the financing structure of the project; (4) the creditworthiness of the borrower; and (5) the term of the proposed obligation.

j. (Deleted by amendment, P.L.2019, c.194).

k. In addition to the accounts and subaccounts established pursuant to this section, the trust may establish or direct the establishment of federal and State accounts or subaccounts as may be necessary to meet any applicable federal law requirements or desirable for the efficient administration of the trust.

8. Section 35 of P.L.2016, c.56 (C.58:11B-10.5) is amended to read as follows:

C.58:11B-10.5 Maintenance of administrative responsibilities.

35. a. The trust shall maintain the administrative responsibilities for financing projects approved for assistance through the State Transportation Infrastructure Bank Fund, in accordance with any applicable federal laws regarding the use of federal funds on transportation projects, as well as any provision of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.) and sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), and provided that monies from the federally-funded transportation project subaccount are limited by the provisions of the federal infrastructure bank program. The trust is authorized to enter into agreements with one or more local government units or consortia thereof for the use of monies from the State Transportation Infrastructure Bank Fund to provide loans or other assistance for the purpose of financing all or a portion of the costs incurred for the planning, acquisition, engineering, construction, reconstruction, repair, and rehabilitation of a transportation project, aviation project, or marine project, provided that monies from the federally-funded transportation project subaccount are limited to the purposes permitted under the federal infrastructure bank program. The terms of the federally-funded transportation project subaccount agreements shall be consistent with the requirements of the federal infrastructure bank program and the trust may adopt rules and regulations to carry out these functions.

b. The trust shall also develop a formal relationship with the Department of Transportation for purposes, including, but not limited to, the evaluation of potential transportation projects, aviation projects, and marine projects, fulfilling federal regulations regarding capital projects, coordinating with metropolitan planning organizations, ensuring that any projects obtaining assistance are consistent with the Statewide capital investment strategy, monitoring borrower creditworthiness standards, and advancing local, regional, and Statewide transportation objectives.

9. Section 6 of P.L.2009, c.59 (C.58:11B-19.1) is amended to read as follows:

C.58:11B-19.1 Receipt of federal funds by trust.

6. 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 or access emergency or relief federal funds that are appropriated to the State subsequent to a federal or State declaration of emergency to make loans or grants in the implementation of the New Jersey Environmental Infrastructure Financing Program or the New Jersey Transportation Infrastructure Financing Program, to local government units, public water utilities or private persons for any wastewater treatment system projects included on the clean water project priority list for the ensuing fiscal year and eligible for approval pursuant to section 20 of P.L.1985, c.334 (C.58:11B-20), water supply projects included on the drinking water project priority list for the ensuing fiscal year and eligible for approval pursuant to section 24 of P.L.1997, c.224 (C.58:11B-20.1), or transportation projects included on the transportation project priority list for the ensuing fiscal year and eligible for approval pursuant to section 36 of P.L.2016, c.56 (C.58:11B-20.2), as applicable, or to make non-project related loans and provide other assistance, including CAP payments and other financial assistance on behalf of or as a conduit for local government units, in accordance with the ranking criteria determined by the federal or State government.

For the purposes of this section, "CAP Payment" means a payment made by a project sponsor pursuant to a State or federal relief program for utility customers or a consumer assistance program.

10. Section 20 of P.L.1985, c.334 (C.58:11B-20) is amended to read as follows:

C.58:11B-20 "Clean water project priority list."

20. a. (1) The Commissioner of Environmental Protection shall for each fiscal year develop a priority system for wastewater treatment systems and shall establish the ranking criteria and funding policies for the clean water projects to be financed by the New Jersey Environmental Infrastructure Financing Program. The commissioner shall set forth an Interim Clean Water Financing Program Project Priority List, hereinafter referred to as the "clean water project priority list," for funding by the trust for each fiscal year and shall include the aggregate amount of funds of the trust to be authorized for these purposes. The clean water project priority list may include any stormwater management or combined sewer overflow abatement project identified in the stormwater management and combined sewer overflow abatement project priority list adopted by the commissioner pursuant to section 28 of P.L.1989, c.181.

The clean water project priority list, which shall include for each wastewater treatment system the date each project is scheduled to be certified as ready for funding, shall be in conformance with applicable provisions of the "Federal Water Pollution Control Act Amendments of 1972," Pub.L.92-500 (33 U.S.C. s.1251 et al.), and any amendatory or supplementary acts thereto, and State law, or in the case of a wastewater treatment system project for the reduction of lead in a publicly-owned facility, conformance with requirements established by the Department of Environmental Protection for those projects or, in the case of a wastewater treatment system project financed through another source of funds, conformance with the requirements established by the department and the other source of funds for that project. The clean water project priority list shall include a description of each project and its purpose, impact, cost, and construction schedule, and an explanation of the manner in which priorities were established. The priority system and clean water project priority list for the ensuing fiscal year shall be submitted to the Secretary of the Senate and the Clerk of the General Assembly on or before January 15 of each year. The Secretary and the Clerk shall cause the date of submission to be entered upon the Senate Journal and the Minutes of the General Assembly, respectively. Incremental revisions or supplements to the clean water project priority list may be submitted to the Legislature as provided in subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9).

(2) The commissioner shall set forth a clean water project eligibility list for long-term funding by the trust and shall include the aggregate amount of funds to be authorized for these purposes. The clean water project eligibility list shall consist of clean water project priority list projects certified by the department that have commenced construction and demonstrated a high likelihood of construction completion on or before the end of the ensuing fiscal year. On or before May 15 of each year, the trust shall submit the clean water project eligibility list for the ensuing fiscal year, including any revision thereof or supplement thereto, to be introduced in each House in the form of legislative appropriations bills, which shall be referred to the Senate Environment and Energy Committee and the Assembly Environment and Solid Waste Committee, or their successors, for their respective consideration. On or before October 15 of each year the trust may submit an additional clean water project eligibility list, to be introduced in each House in the form of legislative appropriations bills, which shall be referred to the Senate Environment and Energy Committee and the Assembly Environment and Solid Waste Committee, or their successors, for their respective consideration.

b. The Senate Environment and Energy Committee and the Assembly Environment and Solid Waste Committee shall, either individually or jointly, consider the legislation containing the clean water project eligibility list, and shall report the legislation, together with any modifications, out of committee for consideration by each House of the Legislature. On or before July 1 of each year, the Legislature shall approve an appropriations act containing the clean water project eligibility list, including any amendatory or supplementary provisions thereto, which act shall include the authorization of an aggregate amount of funds of the trust to be expended for long-term loans and guarantees for the specific projects, including the individual amounts therefor, on the list.

c. The trust shall not expend any money for a long-term loan or guarantee during a fiscal year for any wastewater treatment system project unless the expenditure is authorized pursuant to an appropriations act as provided in the provisions of this section, or as otherwise set forth in an appropriations act.

d. The trust shall submit to the Secretary of the Senate and the Clerk of the General Assembly on or before January 15 of each year a report which shall identify the wastewater treatment system projects financed during the prior fiscal year, including a project description, the amount of the loan provided for each project, and the duration of each loan.

11. Section 24 of P.L.1997, c.224 (C.58:11B-20.1) is amended to read as follows:

C.58:11B-20.1 "Drinking water project priority list."

24. a. (1) The Commissioner of Environmental Protection shall for each fiscal year develop a priority system for water supply projects and shall establish the ranking criteria and funding policies for the water supply projects to be financed by the New Jersey Environmental Infrastructure Financing Program. The commissioner shall set forth an Interim Drinking Water Financing Program Project Priority List, hereinafter referred to as the "drinking water project priority list," for funding by the trust for each fiscal year and shall include the aggregate amount of funds of the trust to be authorized for these purposes. The commissioner may include a water supply project on the drinking water project priority list if it is eligible for funding under the "Water Supply Bond Act of 1981," P.L.1981, c.261, as amended, meets the eligibility requirements for funding pursuant to the federal "Safe Drinking Water Act Amendments of 1996," Pub.L.104-182, or, in the case of a water supply project for the reduction of lead in a publicly-owned facility, the project meets the eligibility requirements established by the Department of Environmental Protection for those projects or, in the case of a water supply

project financed through another source of funds, conformance with the requirements established by the department and the other source of funds for that project. The drinking water project priority list shall include a description of each project and an explanation of the manner in which priorities were established. The priority system and drinking water project priority list for the ensuing fiscal year shall be submitted to the Secretary of the Senate and the Clerk of the General Assembly on or before January 15 of each year. The Secretary and the Clerk shall cause the date of submission to be entered upon the Senate Journal and the Minutes of the General Assembly, respectively. Incremental revisions or supplements to the drinking water project priority list may be submitted to the Legislature as provided in subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9).

(2) The commissioner shall set forth a drinking water project eligibility list for long-term funding by the trust and shall include the aggregate amount of funds to be authorized for these purposes. The drinking water project eligibility list shall consist of drinking water project priority list projects certified by the department that have commenced construction and demonstrated a high likelihood of construction completion on or before the end of the ensuing fiscal year. On or before May 15 of each year, the trust shall submit the drinking water project eligibility list for the ensuing fiscal year, including any revision thereof or supplement thereto, to be introduced in each House in the form of legislative appropriations bills, which shall be referred to the Senate Environment and Energy Committee and the Assembly Environment and Solid Waste Committee, or their successors, for their respective consideration. On or before October 15 of each year the trust may submit an additional drinking water project eligibility list, to be introduced in each House in the form of legislative appropriations bills, which shall be referred to the Senate Environment and Energy Committee and the Assembly Environment and Solid Waste Committee, or their successors, for their respective consideration.

b. The Senate Environment and Energy Committee and the Assembly Environment and Solid Waste Committee shall, either individually or jointly, consider the legislation containing the drinking water project eligibility list, and shall report the legislation, together with any modifications, out of committee for consideration by each House of the Legislature. On or before July 1 of each year, the Legislature shall approve an appropriations act containing the drinking water project eligibility list, including any amendatory or supplementary provisions thereto, which act shall include the authorization of an aggregate amount of funds of the trust to be expended for long-term loans and guarantees for the specific water supply projects, including the individual amounts therefor, on the list.

c. The trust shall not expend any money for a long-term loan or guarantee during a fiscal year for any water supply project unless the expenditure is authorized pursuant to an appropriations act as provided in the provisions of this section, or as otherwise set forth in an appropriations act.

d. The trust shall submit to the Secretary of the Senate and the Clerk of the General Assembly on or before January 15 of each year a report which shall identify the water supply projects financed during the prior fiscal year, including a project description, the amount of the loan provided for each project, and the duration of each loan.

12. Section 36 of P.L.2016, c.56 (C.58:11B-20.2) is amended to read as follows:

C.58:11B-20.2 "Transportation project priority list."

36. a. The Commissioner of Transportation shall, for each fiscal year, develop a priority system for transportation projects, aviation projects, and marine projects. The Commissioner of Transportation shall set forth a Transportation Financing Program Project Priority List, hereinafter referred to as the "transportation project priority list," for funding by the trust for each fiscal year and shall include the aggregate amount of funds of the trust to be authorized for these purposes. The Commissioner of Transportation may include a transportation project on the transportation project priority list if it meets the eligibility requirements for funding pursuant to Pub.L.114-94, the "Fixing America's Surface Transportation Act," or any successor legislation. The Commissioner of Transportation may include an aviation project on the transportation project priority list if the project meets the eligibility requirements for funding provided in the terms and conditions of the funding source. The Commissioner of Transportation may include a marine project on the transportation project priority list if the project meets the requirements of the federal "National Defense Authorization Act for Fiscal Year 2010" (Pub.L.111-84), or any successor legislation. The transportation project priority list shall include a description of each project and an explanation of the manner in which projects are ranked. The transportation project priority list for the ensuing fiscal year shall be submitted to the Legislature on or before January 15 of each year. The Secretary and the Clerk shall cause the date of submission to be entered upon the Senate Journal and the Minutes of the General Assembly, respectively. Incremental revisions or supplements to the transportation project priority list may be submitted to the Legislature as provided in subsection g. of section 9 of P.L.1985, c.334 (C.58:11B-9).

b. The Commissioner of Transportation shall set forth a Transportation Financing Program Project Eligibility List for long-term funding by the trust and shall include the aggregate amount of funds to be authorized for these purposes. The Transportation Financing Program Project Eligibility List shall consist of Transportation Financing Program Project Priority List projects certified by the Department of Transportation that have commenced construction and demonstrated to the department a high likelihood of construction completion on or before the end of the ensuing fiscal year. On or before May 15 of each year, the trust shall submit the Transportation Financing Program Project Eligibility List, including any amendatory or supplementary provisions thereto, to the Legislature to be introduced in each House in the form of legislative appropriations bills, which shall be referred to the Senate Transportation Committee and the Assembly Transportation and Independent Authorities Committee, or their successors, for their respective consideration. The Secretary and the Clerk shall cause the date of submission to be entered upon the Senate Journal and the Minutes of the General Assembly, respectively.

The Senate Transportation Committee and the Assembly Transportation and Independent Authorities Committee shall, either individually or jointly, consider the legislation containing the Transportation Program Project Eligibility List, and shall report the legislation, together with any modifications, out of committee for consideration by each House of the Legislature. On or before July 1 of each year, the Legislature shall approve an appropriations act containing the Transportation Program Project Eligibility List, including any amendatory or supplementary provisions thereto, which act shall include the authorization of an aggregate amount of funds of the trust to be expended for long-term loans and guarantees for the specific transportation projects, aviation projects, and marine projects, including the individual amounts therefor, on the list.

c. On or before October 15 of each year, the trust may submit an amended Transportation Financing Program Project Eligibility List to be introduced in each House in the form of legislative appropriations bills for approval by the Legislature on or before January 15 of the following calendar year in the manner set forth in subsection a. and subsection b. of this section.

d. The trust shall not expend any money for a long-term loan or guarantee during a fiscal year for any transportation project, aviation project, or marine project unless the expenditure is authorized pursuant to an appropriations act of the current or three immediate preceding fiscal years as provided in the provisions of this section, or as otherwise set forth in an appropriations act.

e. The trust shall submit to the Secretary of the Senate and the Clerk of the General Assembly on or before January 15 of each year a report which shall identify the transportation projects, aviation projects, and marine projects financed during the prior fiscal year, including a project description, the amount of the loan provided for each project, and the duration of each loan.

f. The source of projects for the Transportation Financing Program Project Priority List and the Transportation Financing Program Project Eligibility List shall be: (1) applications made by counties and municipalities seeking aid through the State Transportation Infrastructure Bank Fund in accordance with section 25 of P.L.1984, c.73 (C.27:1B-25) and the procedures established therein for the allocation of State aid to counties and municipalities through the local aid program, and (2) eligible projects within the most recent 10-year Statewide Transportation Improvement Program as issued by the Department of Transportation. Projects deriving from either of these sources shall identify a consistent source of revenue that will be utilized to repay any loan financing provided by the trust either from the project itself or from the sponsoring local government unit or consortia thereof that will be receiving assistance.

13. Section 21 of P.L.1985, c.334 (C.58:11B-21) is amended to read as follows:

C.58:11B-21 Financial plan.

21. On or before May 15 of each year, the trust shall submit to the Legislature a financial plan designed to implement the financing of the wastewater treatment system projects either on the Interim Clean Water Financing Program Project Priority List, hereinafter referred to as the "clean water project priority list," or the clean water project eligibility list, approved pursuant to section 20 of P.L.1985, c.334 (C.58:11B-20) or as otherwise approved by the Legislature. The financial plan shall contain an enumeration of the bonds, notes or other obligations of the trust which the trust intends to issue, including the amounts thereof and the terms and conditions thereof, a list of loans to be made to local government units or private persons, including the terms and conditions thereof and the anticipated rate of interest per annum and repayment schedule therefor, and a list of loan guarantees or contracts to guarantee the payment of all or a portion of the principal and interest on bonds, notes or other obligations issued by a local government unit to finance the cost of a wastewater treatment system project, and the terms and conditions thereof.

The financial plan shall also set forth a complete operating and financial statement covering its proposed operations during the forthcoming fiscal year, including amounts of income from all sources, and the uniform schedule of fees and charges established by the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5), and the amounts to be derived therefrom, and shall summarize the status of each wastewater treatment system project for which loans or guarantees have been made by the trust, and shall describe major impediments to the accomplishment of the planned wastewater treatment system projects.

14. Section 25 of P.L.1997, c.224 (C.58:11B-21.1) is amended to read as follows:

C.58:11B-21.1 Submission of financial plan to Legislature.

25. On or before May 15 of each year, the trust shall submit to the Legislature a financial plan designed to implement the financing of the water supply projects either on the Interim Drinking Water Financing Program Project Priority List, hereinafter referred to as the "drinking water project priority list," or the drinking water project eligibility list, approved pursuant to section 24 of P.L.1997, c.224 (C.58:11B-20.1) or as otherwise approved by the Legislature. The financial plan shall contain an enumeration of the bonds, notes or other obligations of the trust which the trust intends to issue, including the amounts thereof and the terms and conditions thereof, a list of loans to be made to local government units, public water utilities, or to any other person or local government unit on behalf of a public water utility, including the terms and conditions thereof and the anticipated rate of interest per annum and repayment schedule therefor, and a list of loan guarantees or contracts to guarantee the payment of all or a portion of the principal and interest on bonds, notes or other obligations issued by a local government unit to finance the cost of a water supply project, and the terms and conditions thereof.

The financial plan shall also set forth a complete operating and financial statement covering its proposed operations during the forthcoming fiscal year, including amounts of income from all sources, and the uniform schedule of fees and charges established by the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5), and the amounts to be derived therefrom, and shall summarize the status of each water supply project for which loans or guarantees have been made by the trust, and shall describe major impediments to the accomplishment of the planned water supply projects.

15. Section 37 of P.L.2016, c.56 (C.58:11B-22.3) is amended to read as follows:

C.58:11B-22.3 Submission of financial plan to Legislature.

37. a. On or before May 15 of each year, the trust shall submit to the Speaker of the General Assembly and the President of the Senate a financial plan designed to implement the financing of the transportation projects, aviation projects, and marine projects either on the Interim Transportation Financing Program Project Priority List or the Transportation Financing Program Project Eligibility List approved pursuant to P.L.2016, c.56 (C.27:1B-22.5 et al.) or as otherwise approved by the Legislature. The financial plan shall list the bonds, notes or other obligations of the trust which the trust intends to issue, including the amounts thereof and the terms and conditions thereof, a list of loans to be made to local government units or private persons, including the terms and conditions thereof and the anticipated rate of interest per annum and repayment schedule therefor, and a list of loan guarantees or contracts to guarantee the payment of all or a portion of the principal and interest on bonds, notes or other obligations issued by a local government unit to finance the cost of a transportation project, aviation project, or marine project, and the terms and conditions thereof.

The financial plan shall also set forth a complete operating and financial statement covering proposed operations through the fund during the forthcoming fiscal year, including amounts of income from all sources, and the uniform schedule of fees and charges established by the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5), and the amounts to be derived therefrom, and shall summarize the status of each transportation project, aviation project, and marine project for which loans or guarantees have been made by the trust, and shall describe major impediments to the accomplishment of the planned transportation projects, aviation projects, or marine projects.

b. On or before June 30 of each year the Legislature may reject the financial plan through the adoption by both houses of a concurrent resolution. If the Legislature rejects the financial plan, the project list shall be removed from the annual appropriations act and the trust shall not undertake any of the proposed activities contained therein. If the Legislature takes no action on or before June 30, the financial plan shall be deemed approved.

c. The financial plan for the State Transportation Infrastructure Bank Fund shall not be eligible for inclusion in a consolidated financial plan as established in section 27 of P.L.1997, c.224 (C.58:11B-22.2).

16. This act shall take effect immediately.

Approved April 30, 2021.

CHAPTER 75

AN ACT concerning accidental death benefits for surviving spouses and surviving children of certain members or retirees of the State Police Retirement System, 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*:

C.53:5A-14.5 SPRS beneficiary, certain circumstances, receipt of accidental death benefits.

1. a. (1) The surviving spouse or surviving child or children of a retired member of the State Police Retirement System who received an accidental disability retirement allowance in accordance with subsection a. of section 10 of P.L.1965, c.89 (C.53:5A-10) shall receive the accidental death benefits as set forth in section 14 of P.L.1965, c.89 (C.53:5A-14), provided that the retired member died before July 8, 2019 and the surviving spouse, child, or children submit documentation that the member would have qualified for a retirement allowance in accordance with subsection e. of section 10 of P.L.1965, c.89 (C.53:5A-10), upon the submission to the board of trustees of proper proofs of the death of that retiree, notwithstanding any other provision of law or regulation to the contrary. Notwithstanding the provision of subsection c. of section 10 of P.L.1965, c.89 (C.53:5A-10) or any other provision of law to the contrary, the lump sum benefit of 3 1/2 times final compensation in subsection e. of section 14 of P.L.1965, c.89 (C.53:5A-14) shall apply.

(2) The surviving spouse or surviving child or children, or any legal guardian of the surviving child or children, shall be eligible to receive the accidental death benefits as set forth in section 14 of P.L.1965, c.89 (C.53:5A-14), upon the submission to the board of trustees of proper proofs of the death of the member or retiree, notwithstanding any other provision of law or regulation to the contrary, if the spouse, child, children, or guardian submits sufficient documentation that the deceased member or retiree would have qualified for an accidental disability retirement allowance in accordance with subsection e. of section 10 of P.L.1965, c.89 (C.53:5A-10). The board of trustees shall require the submission of such information as the deceased member or retiree would have been required to submit in accordance

with subsection e. of section 10 of P.L.1965, c.89 (C.53:5A-10) and such other information as the board of trustees may deem necessary to make a determination. Notwithstanding any other provision of law to the contrary, the lump sum benefit of 3 1/2 times final compensation in subsection e. of section 14 of P.L.1965, c.89 (C.53:5A-14) shall apply.

(3) Paragraphs (1) and (2) of this subsection shall apply only if the member's or retiree's death was the result of a qualifying condition or impairment of health as defined in subsection e. of section 10 of P.L.1965, c.89 (C.53:5A-10) which the medical board determines to be caused by participation in World Trade Center rescue, recovery, or cleanup operations.

b. (1) The surviving spouse of a deceased retired member who is receiving a pension in accordance with section 25 of P.L.1965, c.89 (C.53:5A-25) due to the death of the retired member on or before July 8, 2019 shall be eligible to apply to the board of trustees and, upon approval of the application by the board, shall receive the accidental death benefits set forth in section 14 of P.L.1965, c.89 (C.53:5A-14) if the surviving spouse submits sufficient documentation that the deceased retiree would have qualified for a retirement under subsection e. of section 10 of P.L.1965, c.89 (C.53:5A-10) but for the fact that the benefit was not available to the retiree prior to the retiree's death.

(2) A surviving spouse who received the pension in accordance with section 25 of P.L.1965, c.89 (C.53:5A-25), but whose eligibility for that pension was terminated because the surviving spouse no longer met the definition of "surviving spouse" as set forth in section 3 of P.L.1965, c.89 (C.53:5A-3), shall be eligible to apply to the board of trustees and, upon approval of the application by the board, shall receive the accidental death benefits set forth in section 14 of P.L.1965, c.89 (C.53:5A-14) under the same terms and conditions and pursuant to the same requirements as set forth in paragraph (1) of this subsection. If the former spouse receives the accidental death benefits as set forth in section 14 of P.L.1965, c.89 (C.53:5A-14), a surviving child or children who are receiving benefits pursuant to section 25 of P.L.1965, c.89 (C.53:5A-25) shall no longer be eligible to receive those benefits.

(3) If there is no surviving spouse or no former surviving spouse because the spouse has died or has declined in writing to apply pursuant to paragraph (2) of this subsection, the surviving child or surviving children who are receiving benefits in accordance with section 25 of P.L.1965, c.89 (C.53:5A-25) on the effective date of this act, P.L.2021, c.75 (C.53:5A-14.5), or any legal guardian of the child or children, may submit the application and receive the benefits set forth in section 14 of P.L.1965, c.89 (C.53:5A-14) under the same terms and conditions and pursuant to the same requirements as set forth in paragraph (1) of this subsection.

(4) The board of trustees shall provide written notification to each surviving spouse, former surviving spouse, and surviving child, and any legal guardian of a surviving child, of the provisions of this subsection, within 30 days after the effective date of this act.

(5) In order to receive the benefit provided in this subsection, a surviving spouse, former surviving spouse, or surviving child, or any legal guardian of the surviving child, shall submit an application not later than two years after the effective date of this act.

(6) The board of trustees shall require the surviving spouse, former surviving spouse, or surviving child, or any legal guardian of the surviving child, to submit such information as the deceased member or retiree would have been required to submit in accordance with subsection e. of section 10 of P.L.1965, c.89 (C.53:5A-10) and such other information as the board of trustees may deem necessary to review the application and make a determination. Paragraphs (1), (2), and (3) of this subsection shall apply only if the retiree's death was the result of a qualifying condition or impairment of health as defined in subsection e. of section 10 of P.L.1965, c.89 (C.53:5A-10) which the medical board determines to be caused by participation in World Trade Center rescue, recovery, or cleanup operations and if the deceased member or retiree died before July 8, 2019.

(7) Upon approval of an application, the surviving spouse, former surviving spouse, or surviving child or children, or any legal guardian of the surviving child or children, shall receive the annual payments of the accidental death benefit, and the lump sum death benefit payment, as set forth in section 14 of P.L.1965, c.89 (C.53:5A-14). The annual benefit payments shall apply only for payments made after the effective date of this act. No surviving spouse or former surviving spouse or surviving child, or any legal guardian of the surviving child, shall be granted a retroactive payment based upon the difference between the benefit the person would have received if the benefit pursuant to this subsection had been applicable on the date of death of the retiree and the benefit that the person has received from that date of death to the effective date of this act. The lump sum benefit paid to a beneficiary shall be and shall not exceed 3 1/2 times the retiree's final compensation in total regardless of the provision of law under which the lump sum death benefit was paid.

(8) The health care benefit premiums to be paid by the State in accordance with subsection h. of section 14 of P.L.1965, c.89 (C.53:5A-14) shall apply if the surviving spouse, former surviving spouse, or surviving child or children are still receiving coverage from the employer-sponsored health insurance program or, if that coverage was terminated, can again become eligible for such

coverage. If such coverage is no longer available, the surviving spouse, former surviving spouse, or surviving child or children shall be eligible to enroll in the State Health Benefits Program, P.L.1961, c.49 (C.52:14-17.25 et seq.), notwithstanding any provision thereof to the contrary.

c. This act, P.L.2021, c.75 (C.53:5A-14.5), shall be known and may be cited as the Trooper I Robert Nagle and Staff Sergeant Bryan McCoy 911 First Responders Act.

2. This act shall take effect immediately.

Approved May 3, 2021.

CHAPTER 76

AN ACT concerning the recruitment and retention of certain students in STEM programs at institutions of higher education and supplementing chapter 3B of Title 18A of the New Jersey Statutes.

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

C.18A:3B-98 Program to assist institutions of higher education in recruitment, retention of underrepresented students in STEM programs.

1. The Secretary of Higher Education shall establish a program to assist institutions of higher education in the recruitment and retention of underrepresented students in science, technology, engineering and mathematics (STEM) programs. Underrepresented students include women and students from other populations historically underrepresented in the STEM fields. The purpose of the program shall be to develop guidance and strategies for the institutions to:

a. identify cultural and institutional barriers experienced by underrepresented students, including an assessment of the academic, social, and family-related factors which may negatively impact the recruitment and retention of those students into the STEM fields; and

b. provide the students with the institutional and faculty support necessary to allow underrepresented students in STEM programs to reach their academic goals.

In the development of the guidance and strategies, the secretary may examine any programs implemented in other states designed to increase the

recruitment and retention of underrepresented students in STEM programs at institutions of higher education.

2. This act shall take effect immediately.

Approved May 5, 2021.

CHAPTER 77

AN ACT concerning contracts for the purchase of COVID-19 related materials by school districts.

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

1. a. Notwithstanding any provision of law, rule, or regulation to the contrary, the Department of Education shall coordinate with the lead agency of any State-approved cooperative purchasing system that includes one or more boards of education, including those systems established pursuant to the “Public Schools Contracts Law,” N.J.S.18A:18A-1 et seq., or the “Local Public Contracts Law,” P.L.1971, c.198 (C.40A:11-1 et seq.), for the procurement of COVID-19 related goods and services that aid in meeting the COVID-19 health and safety standards established by Executive Order No. 175 of 2020, and any other health and safety standards deemed necessary by the department. The Department of Education may make awards to multiple bidders in accordance with section 1 of P.L.1986, c.26 (C.52:34-12.1). Advertised bidding shall not be required to award a contract or contracts to obtain those goods and services necessary to address the public exigency when the Division of Purchase of Property in the Department of the Treasury provides preapproval.

b. The board of education of a school district, without advertising for bids, or after having rejected all bids obtained pursuant to advertising therefor, may purchase COVID-19 related goods and services, upon adoption of a resolution, through the contract or contracts for such goods and services entered into by the Department of Education pursuant to the provisions of subsection a. of this section.

c. As used in this section:

“Board of education” means and includes the board of education of any local school district, consolidated school district, regional school district,

county vocational school and any other board of education or other similar body, other than the State Board of Education, established and operating under the provisions of Title 18A of the New Jersey Statutes and having authority to make purchases and to enter into contracts for the provision or performance of goods or services. The term "board of education" also shall include the board of trustees of a charter school established under P.L.1995, c.426 (C.18A:36A-1 et seq.) and the board of trustees of a renaissance school established pursuant to P.L.2011, c.176 (C.18A:36C-1 et seq.).

"School district" means a local or regional school district established pursuant to chapter 8 or chapter 13 of Title 18A of the New Jersey Statutes, a county special services school district established pursuant to article 8 of chapter 46 of Title 18A of the New Jersey Statutes, a county vocational school district established pursuant to article 3 of chapter 54 of Title 18A of the New Jersey Statutes, and a district under full State intervention pursuant to P.L.1987, c.399 (C.18A:7A-34 et al.). The term "school district" shall also include a charter school established under P.L.1995, c.426 (C.18A:36A-1 et seq.) and a renaissance school established pursuant to P.L.2011, c.176 (C.18A:36C-1 et seq.).

2. This act shall take effect immediately and shall expire on July 1, 2022.

Approved May 5, 2021.

CHAPTER 78

A SUPPLEMENT to "An Act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 2021 and regulating the disbursement thereof," approved September 29, 2020 (P.L.2020, c.97).

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

1. The following language provision is added to the General Provisions of P.L.2020, c.97, the annual State appropriations act for Fiscal Year 2021:

102. Notwithstanding any provision of law or regulation to the contrary, in addition to any other amounts transferred from the Unclaimed Personal Property Trust Fund to the General Fund and appropriated herein, there is appropriated from the Unclaimed Personal Property Trust Fund for transfer to the General Fund, an amount equal to the amount seized by each county prior to January 1, 2017 pursuant to N.J.S.2C:64-1 et seq., and deposited in

the Unclaimed Personal Property Trust Fund on or after July 1, 2020, which amount is appropriated subject to the approval of the Director of the Division of Budget and Accounting to the offices of the county prosecutors for law enforcement purposes including, but not limited to, the implementation of a county-wide police body-worn camera and video storage program. The amount appropriated to each county shall be equal to the amount seized by that county, except that no amount appropriated to any county shall exceed \$2,400,000. The State Treasurer shall transmit to the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee a written report, not later than June 1, 2021, detailing the amount appropriated to each county prosecutor and the purposes for which the funds were expended.

2. Section 102 of P.L.2020, c.97 is amended to read as follows:

102. This act shall take effect October 1, 2020.

3. This act shall take effect immediately.

Approved May 5, 2021.

CHAPTER 79

AN ACT concerning bias training and supplementing Title 26 and Title 45 of the Revised Statutes.

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

C.26:2H-12.108 Hospital, birthing center to provide bias training.

1. a. Every hospital that provides inpatient maternity services and every birthing center licensed in the State pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) shall implement an evidence-based explicit and implicit bias training program for:

(1) all health professionals who provide perinatal treatment and care to pregnant persons at the hospital or birthing center regardless of the compensation agreement, contractual status, or privilege status that may exist between the health professional and the hospital or birthing center; and

(2) all supportive services staff members, as defined by the Department of Health, who interact with pregnant persons at the hospital or birthing center.

A hospital or birthing center that implements an explicit and implicit bias training program pursuant to this section shall ensure that the program is

structured in a manner that permits health care professionals to be eligible to receive continuing education credits for participation in the program.

b. The training program shall include, but not be limited to:

(1) identifying previous and current unconscious biases and misinformation when providing perinatal treatment and care to, or interacting with, pregnant persons;

(2) identifying environmental, personal, interpersonal, institutional, and cultural barriers to inclusion;

(3) information on the effects of historical and contemporary exclusion and oppression of minority communities;

(4) information about cultural identity across racial, ethnic, and other marginalized groups;

(5) information about communicating more effectively across racial, ethnic, religious, and gender identities;

(6) information about reproductive justice;

(7) a discussion on power dynamics and organizational decision-making and their effects on explicit and implicit bias;

(8) a discussion on inequities and racial, ethnic and other disparities within the field of perinatal care, and how explicit and implicit bias may contribute to pregnancy-related deaths and maternal and infant health outcomes;

(9) corrective measures to decrease explicit and implicit bias at the interpersonal and institutional levels; and

(10) review of the annual report of the New Jersey Maternal Mortality Review Committee.

The Department of Health shall identify an explicit and implicit bias training tool to be utilized by the explicit and implicit bias training program implemented by a hospital or birthing center pursuant to this section. The use of the department's training tool by a hospital or birthing center shall not preclude the hospital or birthing center from utilizing additional or customized training tools in addition to the department's training tool.

c. A health care professional who provides perinatal treatment and care to pregnant persons at a hospital that provides inpatient maternity services or a birthing center licensed in the State pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) and all supportive staff members who interact with pregnant persons at the hospital or birthing center shall:

(1) complete the training program on explicit and implicit bias at such times and intervals as the hospital or birthing center shall require;

(2) complete a refresher course under the training program, designed to provide the health care professional or supportive staff member with updated information about racial, ethnic, and cultural identity, and best practices in decreasing

interpersonal and institutional implicit bias, every two years or on a more frequent basis, if deemed necessary by the hospital or birthing center; and

(3) receive a certification of completion from the hospital or birthing center upon successful completion of the training program.

d. A health care professional who completes a continuing education course on explicit and implicit bias pursuant to section 2, 3, 4, 5, or 7 of P.L.2021, c.79 (C.45:9-7.9, C.45:9-27.25c, C.45:9-1a, C.45:11-26.4, or C.45:10-23) shall be deemed to have satisfied the explicit and implicit bias training requirement set forth in subsection c. of this section for the licensure or certification period in which the continuing education course was completed.

e. In the event that a hospital or birthing center fails to implement an explicit and implicit bias training program pursuant to this section, the Department of Health shall invoke penalties or take administrative action against the hospital or birthing center. Any penalties imposed or administrative actions taken by the department pursuant to this subsection may be imposed in a summary proceeding.

f. As used in this section:

“Explicit bias” means attitudes and beliefs about a person or group on a conscious level.

“Health care professional” means a person licensed or certified to practice a health care profession pursuant to Title 45 of the Revised Statutes.

“Implicit bias” means a bias in judgment or behavior that results from subtle cognitive processes, including implicit prejudice and implicit stereotypes, that often operate at a level below conscious awareness and without intentional control.

“Implicit stereotypes” means the unconscious attributions of particular qualities to a member of a certain social group, influenced by experience, and based on learned associations between various qualities and social categories, including race and gender.

“Perinatal care” means the provision of care during pregnancy, labor, delivery, postpartum and neonatal periods.

C.45:9-7.9 Certain physicians required to attend education program concerning bias.

2. The State Board of Medical Examiners shall require that the number of credits of continuing medical education required of each person licensed as a physician who provides perinatal treatment and care to pregnant persons, as a condition of biennial registration pursuant to section 1 of P.L.1971, c.236 (C.45:9-6.1), include one credit of educational programs or topics concerning explicit and implicit bias, which educational programs and topics shall meet the requirements for a training program set forth in subsection b. of section 1

of P.L.2021, c.79 (C.26:2H-12.108). The continuing medical education requirement in this subsection shall be subject to the provisions of section 10 of P.L.2001, c.307 (C.45:9-7.1).

C.45:9-27.25c Certain physician assistants required to attend education program concerning bias.

3. The State Board of Medical Examiners shall require that the number of credits of continuing medical education required of each person licensed as a physician assistant who provides perinatal treatment and care to pregnant persons, as a condition of biennial renewal pursuant to section 4 of P.L.1991, c.378 (C.45:9-27.13), include one credit of educational programs or topics concerning explicit and implicit bias, which educational programs and topics shall meet the requirements for a training program set forth in subsection b. of section 1 of P.L.2021, c.79 (C.26:2H-12.108). The continuing medical education requirement in this subsection shall be subject to the provisions of section 16 of P.L.1991, c.378 (C.45:9-27.25).

C.45:9-1a Member of State Board of Medical Examiners required to complete bias training program.

4. As a condition of being appointed as a member of the State Board of Medical Examiners, or the member's continued appointment to the board, a board member shall complete an evidence-based explicit and implicit bias training program approved by the Division of Consumer Affairs in the Department of Law and Public Safety that is equivalent to the training program provided for in subsection b. of section 1 of P.L.2021, c.79 (C.26:2H-12.108). The board member shall complete, and acknowledge the completion of, the training program at a frequency determined by the division.

C.45:11-26.4 Certain nurses required to complete bias training.

5. The New Jersey Board of Nursing shall require that the number of credits of continuing education required of each person licensed as a professional nurse or a practical nurse who provides perinatal treatment and care to pregnant persons, as a condition of biennial license renewal, include one credit of educational programs or topics concerning explicit and implicit bias, which educational programs and topics shall meet the requirements for a training program set forth in subsection b. of section 1 of P.L.2021, c.79 (C.26:2H-12.108).

C.45:11-24b Member of New Jersey Board of Nursing required to complete bias training.

6. As a condition of being appointed as a member of the New Jersey Board of Nursing, or the member's continued appointment to the board, a

board member shall complete an evidence-based explicit and implicit bias training program approved by the Division of Consumer Affairs in the Department of Law and Public Safety that is equivalent to the training program provided for in subsection b. of section 1 of P.L.2021, c.79 (C.26:2H-12.108). The board member shall complete, and acknowledge the completion of, the training program at a frequency determined by the division.

C.45:10-23 Certain midwives required to complete bias training.

7. A certified nurse midwife, certified professional midwife, or certified midwife who was licensed prior to the effective date of this act shall, as a condition of license renewal, complete at least one credit of educational programs or topics concerning explicit and implicit bias, which educational programs and topics shall meet the requirements for a training program set forth in subsection b. of section 1 of P.L.2021, c.79 (C.26:2H-12.108).

8. The Department of Health and the Director of the Division of Consumer Affairs in the Department of Law and Public Safety shall adopt rules and regulations, pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of this act.

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

Approved May 11, 2021.

CHAPTER 80

AN ACT concerning local bond requirements and amending N.J.S.40A:2-11 and N.J.S.40A:2-26.

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

1. N.J.S.40A:2-11 is amended to read as follows:

Down payment.

40A:2-11. a. No bond ordinance shall be finally adopted unless it appropriates to the purpose, or ratably to the respective purposes to be financed, in

addition to the obligations thereby authorized, a sum as a down payment which is not less than five percent of the amount of the obligations authorized.

b. Said sum so appropriated as a down payment must have been made available prior to final adoption of the bond ordinance from any one or more of the following:

1. by provision in a previously adopted budget or budgets of the local unit for down payment or for capital improvement purposes;
2. from moneys then actually held by the local unit and previously contributed for such purpose other than by the local unit; or
3. by emergency appropriation.

c. The provisions of this section shall not apply to a bond ordinance which authorizes obligations solely for any purpose referred to in paragraphs a., b., c., d., e., and h. of N.J.S.40A:2-7 or for those bond ordinances which involve projects funded by State grants such as Green Acres, Transportation Trust Fund, and other similar programs, or for those bond ordinances which involve environmental infrastructure projects or transportation projects, as defined in section 3 of P.L.1985, c.334 (C.58:11B-3), funded by loans from the "New Jersey Infrastructure Bank," created pursuant to section 4 of P.L.1985, c.334 (C.58:11B-4), or the State, acting by and through the Department of Environmental Protection.

2. N.J.S.40A:2-26 is amended to read as follows:

Maturities of bonds.

40A:2-26. Maturities of all bonds shall be as determined by bond ordinance or by subsequent resolution and within the following limitations:

a. All bonds shall mature within the period or average period of usefulness determined in the bond ordinance.

b. All bonds shall mature in annual installments, the first of which shall be payable not more than one year from the date of the bonds. No annual installment shall exceed by more than 100 percent the amount of the smallest prior installment.

c. The first installment of bonds to finance a municipal public utility may be made payable not later than the end of the second year's operation, computed from the estimated date of completion, as fixed in the project report submitted pursuant to this chapter.

d. Bonds to finance that part of the cost of a local improvement which is to be assessed on property shall mature in annual installments not exceeding in number the number of annual installments or average thereof fixed in the bond ordinance for the payment of special assessments. The first annual

installment of such bonds shall be payable not more than two years from the date of the bonds, and no annual installment shall exceed the amount of the smallest prior installment.

e. A governing body which has concluded that the limitations as to maturities or amounts of annual installments will adversely affect the financial position of the local unit, may make written application to the Local Finance Board setting forth its conclusion and the reasons therefor and the desired maturities or the amounts of annual installments for bonds about to be issued. If the Local Finance Board finds such conclusion to be well founded, it may, by order, fix the maturities or amounts of annual installments of such bonds as desired by the local unit, or fix any such other maturities or amounts of annual installments which the circumstances warrant. Application to the Local Finance Board shall not be required if the maturities or the amounts of annual installments have been determined by (1) the "New Jersey Infrastructure Bank," created pursuant to section 4 of P.L.1985, c.334 (C.58:11B-4), in connection with a loan made by the trust relating to the financing of one or more environmental infrastructure projects or transportation projects as defined in section 3 of P.L.1985, c.334 (C.58:11B-3) or (2) the State, acting by and through the Department of Environmental Protection, in connection with a loan made by the State, relating to the financing of one or more environmental infrastructure projects as defined in section 3 of P.L.1985, c.334 (C.58:11B-3).

f. The governing body, by resolution, may provide for a single and combined issue of bonds not exceeding the aggregate amount of bonds authorized by two or more bond ordinances. The bonds of such issue shall mature within the average period of usefulness which shall be determined in said resolution, taking into consideration the respective amount of bonds authorized by each of the bond ordinances and the period or average period of usefulness therein determined. The provisions of this chapter applicable to the sale and issuance of a single issue of bonds shall apply to the sale and issuance of such combined issue of bonds.

g. The governing body, by resolution, may allow the adjustment of, or otherwise delegate to a finance officer the authority to adjust, the maturity schedule of the bonds, up to 24 hours prior to the time advertised for the receipt of bids and within 24 hours after the award of bids; provided that no maturity schedule adjustment shall exceed 10 percent of the principal for any maturity with the aggregate adjustment to maturity not to exceed 10 percent of the principal for the overall issue. When an adjustment has been made to a maturity schedule previously approved by the Local Finance Board, a copy of the final maturity schedule which meets or complies with the limitations

in this subsection shall be filed with the board within 30 days of the sale and shall be conclusively deemed to have been approved by the board.

3. This act shall take effect immediately.

Approved May 11, 2021.

CHAPTER 81

AN ACT concerning criminal history records and professional or occupational boards, and amending and supplementing P.L.1978, c.73.

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

1. Section 8 of P.L.1978, c.73 (C.45:1-21) is amended to read as follows:

C.45:1-21 Refusal to license or renew, grounds.

8. A board may refuse to admit a person to an examination or may refuse to issue or may suspend or revoke any certificate, registration or license issued by the board upon proof that the applicant or holder of such certificate, registration or license:

a. Has obtained a certificate, registration, license or authorization to sit for an examination, as the case may be, through fraud, deception, or misrepresentation;

b. Has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense;

c. Has engaged in gross negligence, gross malpractice or gross incompetence which damaged or endangered the life, health, welfare, safety or property of any person;

d. Has engaged in repeated acts of negligence, malpractice or incompetence;

e. Has engaged in professional or occupational misconduct as may be determined by the board;

f. Has been convicted of, or engaged in acts constituting, any crime or offense that has a direct or substantial relationship to the activity regulated by the board or is of a nature such that certification, registration or licensure

of the person would be inconsistent with the public's health, safety, or welfare, provided that the board shall make this determination in a manner consistent with section 2 of P.L.2021, c.81 (C.45:1-21.5). For the purposes of this subsection a judgment of conviction or a plea of guilty, non vult, nolo contendere or any other such disposition of alleged criminal activity shall be deemed a conviction;

g. Has had his authority to engage in the activity regulated by the board revoked or suspended by any other state, agency or authority for reasons consistent with this section;

h. Has violated or failed to comply with the provisions of any act or regulation administered by the board;

i. Is incapable, for medical or any other good cause, of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare;

j. Has repeatedly failed to submit completed applications, or parts of, or documentation submitted in conjunction with, such applications, required to be filed with the Department of Environmental Protection;

k. Has violated any provision of P.L.1983, c.320 (C.17:33A-1 et seq.) or any insurance fraud prevention law or act of another jurisdiction or has been adjudicated, in civil or administrative proceedings, of a violation of P.L.1983, c.320 (C.17:33A-1 et seq.) or has been subject to a final order, entered in civil or administrative proceedings, that imposed civil penalties under that act against the applicant or holder;

l. Is presently engaged in drug or alcohol use that is likely to impair the ability to practice the profession or occupation with reasonable skill and safety. For purposes of this subsection, the term "presently" means at this time or any time within the previous 365 days;

m. Has prescribed or dispensed controlled dangerous substances indiscriminately or without good cause, or where the applicant or holder knew or should have known that the substances were to be used for unauthorized consumption or distribution;

n. Has permitted an unlicensed person or entity to perform an act for which a license or certificate of registration or certification is required by the board, or aided and abetted an unlicensed person or entity in performing such an act;

o. Advertised fraudulently in any manner.

The division is authorized, for purposes of facilitating determinations concerning licensure eligibility, to require the fingerprinting of each applicant in accordance with applicable State and federal laws, rules and regulations. Each applicant shall submit the applicant's name, address, and written

consent to the director for a criminal history record background check to be performed. The division is authorized to receive criminal history record information from the State Bureau of Identification in the Division of State Police and the Federal Bureau of Investigation. Upon receipt of such notification, the division shall forward the information to the appropriate board which shall make a determination regarding the issuance of licensure. The applicant shall bear the cost for the criminal history record background check, including all costs of administering and processing the check, unless otherwise provided for by an individual enabling act. The Division of State Police shall promptly notify the division in the event an applicant or licensee, who was the subject of a criminal history record background check pursuant to this section, is convicted of a crime or offense in this State after the date the background check was performed.

For purposes of this act:

"Completed application" means the submission of all of the information designated on the checklist, adopted pursuant to section 1 of P.L.1991, c.421 (C.13:1D-101), for the class or category of permit for which application is made.

"Permit" has the same meaning as defined in section 1 of P.L.1991, c.421 (C.13:1D-101).

C.45:1-21.5 Certain disqualifications prohibited.

2. a. Notwithstanding any law, rule or regulation to the contrary, an entity shall not disqualify a person from obtaining or holding any certificate, registration or license issued by an entity solely because the person has been convicted of or engaged in acts constituting any crime or offense, unless the crime or offense has a direct or substantial relationship to the activity regulated by the entity or is of a nature such that certification, registration or licensure of the person would be inconsistent with the public's health, safety, or welfare. For the purposes of this section, a judgment of conviction or a plea of guilty, non vult, nolo contendere or any other such disposition of alleged criminal activity shall be deemed a conviction. In making this determination, an entity shall consider the following:

(1) the nature and seriousness of the crime or offense and the passage of time since its commission;

(2) the relationship of the crime or offense to the purposes of regulating the profession or occupation regulated by the entity;

(3) any evidence of rehabilitation of the person in the period of time following the prior conviction that may be made available to the entity; and

(4) the relationship of the crime or offense to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the profession or occupation regulated by the entity.

b. An entity shall not disqualify a person from obtaining or holding a certificate, registration or license issued by the entity because of a person's prior conviction of a crime or offense unless it provides the person with a written notice that the entity has determined that the conviction may disqualify the person, and an explanation for the preliminary determination that the crime or offense has a direct or substantial relationship to the activity regulated by the entity or is of a nature such that certification, registration or licensure of the person would be inconsistent with the public's health, safety, or welfare, and affords the person an opportunity to be heard before the entity prior to the entity making a final decision on whether to disqualify the person. The person shall be afforded an opportunity to be heard before the entity no later than 45 days after the entity receives the person's request for a hearing unless the person and the entity mutually agree to an extension. If, after the person is afforded the opportunity to be heard before the entity, the person is disqualified for a certificate, registration or license, the entity shall notify the person, no later than 45 days after the hearing, in writing of the following:

(1) the grounds and reasons for the denial or disqualification;

(2) the earliest date the person may reapply for the certificate, registration or license; and

(3) that additional evidence of rehabilitation may be considered upon reapplication.

c. If a person's prior conviction was for murder, pursuant to N.J.S.2C:11-3 or an equivalent statute of another state or jurisdiction, or any sex offense that would qualify the person for registration pursuant to section 2 of P.L.1994, c.133 (C.2C:7-2) or under an equivalent statute of another state or jurisdiction, there shall be a rebuttable presumption that the crime or offense has a direct or substantial relationship to the activity regulated by the entity or is of such a nature that certification, registration or licensure of the person would be inconsistent with the public's health, safety, or welfare.

d. This section shall apply to any license, certification, or registration issued by any entity designated in section 2 of P.L.1978, c.73 (C.45:1-15), or by any principal department of the Executive Branch of State government or any entity within any department or any other entity hereafter created to license or otherwise regulate a profession or occupation.

e. No certificate, registration or license shall be issued by the Division of Local Government Services in the Department of Community Affairs to an individual who has, within the five years preceding the submission of an

application for a certificate, registration or license, been convicted of embezzlement, fraud, crimes involving public corruption, or theft.

C.45:1-21.6 Data concerning disqualifications, report to Legislature.

3. The Director of the Division of Consumer Affairs in the Department of Law and Public Safety, and any entity subject to the requirements of section 2 of P.L.2021, c.81 (C.45:1-21.5), shall obtain data concerning the number of, and reasons for, disqualification by any entity pursuant to section 2 of P.L.2021, c.81 (C.45:1-21.5), and annually submit a report to the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), that provides the disqualification data for each entity.

4. This act shall take effect on the 90th day next following enactment, except that the Director of the Division of Consumer Affairs in the Department of Law and Public Safety, and any other entity subject to the requirements of section 2 of P.L.2021, c.81 (C.45:1-21.5), may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act.

Approved May 11, 2021.

CHAPTER 82

AN ACT concerning the notification of lead in drinking water and supplementing P.L.1977, c.224 (C.58:12A-1 et seq.).

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

C.58:12A-12.4 Definitions.

1. As used in P.L.2021, c.82 (C.58:12A-12.4 et seq.):

"Landlord" means the same as that term is defined in section 2 of P.L.1975, c.310 (C.46:8-44).

"Lead action level" means the standard for lead in drinking water established by the United States Environmental Protection Agency, or a more stringent standard adopted by the department pursuant to the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et seq.).

"Local health agency" means the same as that term is defined in section 3 of P.L.1975, c.329 (C.26:3A2-3).

C.58:12A-12.5 Written notice provided by public water system.

2. a. A public water system that exceeds the lead action level shall provide a written notice, in a letter addressed to “resident” or “property owner/tenant,” by regular mail, to both the service address and the mailing address of all customers served by the public water system, including all schools, daycare centers, and facilities serving young children, all public and private hospitals, medical clinics, and doctor’s offices serving pregnant women and young children, and all local health and welfare agencies in the public water system’s service area, and the chief executive of each municipality in the public water system’s service area.

The written notice shall be sent as soon as practicable, but no later than 10 calendar days after the public water system confirms that there has been an exceedance of the lead action level and the written notice has been approved by the Department of Environmental Protection. The written notice shall:

(1) clearly state that the public water system is in exceedance of the lead action level;

(2) explain what the lead action level is and the measurement process that the public water system is required to perform to monitor drinking water for lead;

(3) provide additional information on the possible sources of lead in drinking water, the health effects of drinking water with elevated levels of lead, and measures a consumer can take to reduce or eliminate lead in drinking water; and

(4) state, in easily legible type, the responsibility of a landlord to distribute the written notice to every tenant pursuant to section 3 of P.L.2021, c.82 (C.58:12A-12.6).

b. The notice required pursuant to this section shall be in addition to any notice requirements under federal law.

C.58:12A-12.6 Required actions of landlord.

3. a. When a landlord receives any notice or health and safety information from a public water system concerning the presence of lead in drinking water, including but not limited to the written notice submitted pursuant to section 2 of P.L.2021, c.82 (C.58:12A-12.5), the landlord shall:

(1) distribute, by any means including by electronic mail, the notice or information, as soon as practicable, but no later than three business days after receipt, to every tenant who has entered into a lease agreement with the landlord and whose dwelling unit is served by the public water system; and

(2) post the notice or information, as soon as practicable, but no later than three business days after receipt, in a prominent location at the entrance

of each rental premises that is owned by the landlord and served by the public water system, except that this requirement shall not apply in the case of single-family dwellings that do not have a common area.

b. The requirements of subsection a. of this section shall not apply to a landlord when a tenant is a direct customer of the public water system and is billed directly by the public water system.

c. When a public water system provides any notice or information to its customers concerning the presence of lead in drinking water, the public water system shall include a statement, printed in easily legible type, explaining the requirements set forth in subsection a. of this section.

4. This act shall take effect immediately.

Approved May 11, 2021.

CHAPTER 83

AN ACT concerning animal cruelty and animal fighting, and amending and supplementing chapter 22 of Title 4 of the Revised Statutes.

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

C.4:22-24.1 "Trunk fighting," defined, third degree crime.

1. a. In addition to the provisions of R.S.4:22-24, it shall be unlawful to engage in, facilitate, or provide the means to engage in, trunk fighting. For the purposes of this section, "trunk fighting" means the practice of enclosing two or more animals in the trunk or any part of a motor vehicle for the purpose of the animals attacking each other, and possibly fighting until one or more of the animals are dead.

b. A violation of subsection a. of this section shall be a crime of the third degree.

2. R.S.4:22-26 is amended to read as follows:

Penalties for various acts constituting cruelty.

4:22-26. A person who shall:

a. (1) Overdrive, overload, drive when overloaded, overwork, abuse, or needlessly kill a living animal or creature, or cause or procure, by any direct

or indirect means, including but not limited to through the use of another living animal or creature, any such acts to be done;

(2) Torment, torture, maim, hang, poison, unnecessarily or cruelly beat, cruelly abuse, or needlessly mutilate a living animal or creature, or cause or procure, by any direct or indirect means, including but not limited to through the use of another living animal or creature, any such acts to be done;

(3) Cause the death of, or serious bodily injury to, a living animal or creature from commission of any act described in paragraph (2), (4), or (5) of this subsection, by any direct or indirect means, including but not limited to through the use of another living animal or creature, or otherwise cause or procure any such acts to be done;

(4) Fail, as the owner or a person otherwise charged with the care of a living animal or creature, to provide the living animal or creature with necessary care, or otherwise cause or procure such an act to be done; or

(5) Cause bodily injury to a living animal or creature from commission of the act described in paragraph (4) of this subsection;

b. (Deleted by amendment, P.L.2003, c.232)

c. Inflict unnecessary cruelty upon a living animal or creature, by any direct or indirect means, including but not limited to through the use of another living animal or creature; or leave the living animal or creature unattended in a vehicle under inhumane conditions adverse to the health or welfare of the living animal or creature;

d. Receive or offer for sale a horse that is suffering from abuse or neglect, or which by reason of disability, disease, abuse or lameness, or any other cause, could not be worked, ridden or otherwise used for show, exhibition or recreational purposes, or kept as a domestic pet without violating the provisions of article 2 of chapter 22 of Title 4 of the Revised Statutes;

e. Keep, use, be connected with or interested in the management of, or receive money or other consideration for the admission of a person to, a place kept or used for the purpose of fighting or baiting a living animal or creature;

f. Be present and witness, pay admission to, encourage, aid or assist in an activity enumerated in subsection e. of this section;

g. Permit a person's place owned or controlled by the person 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; or engage in, facilitate, or provide the means to engage in, trunk fighting as defined in section 1 of P.L.2021, c.83 (C.4:22-24.1);

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; or own, possess, buy, sell, transfer, or manufacture animal fighting paraphernalia as defined pursuant to R.S.4:22-24 for the purpose of engaging in or otherwise promoting or facilitating the fighting or baiting of a living animal or creature;

w. Gamble on the outcome of a fight involving a living animal or creature;

x. Knowingly sell or barter or offer for sale or barter, at wholesale or retail, the fur or hair of a domestic dog or cat or any product made in whole or in part from the fur or hair of a domestic dog or cat, unless such fur or hair for sale or barter is from a commercial grooming establishment or a veterinary office or clinic or is for use for scientific research;

y. (1) Knowingly sell or barter, or offer for sale or barter, at wholesale or retail, for human consumption, the flesh of a domestic dog or cat, or any product made in whole or in part from the flesh of a domestic dog or cat;

(2) Knowingly slaughter a horse for human consumption;

(3) Knowingly sell or barter, or offer for sale or barter, at wholesale or retail, for human consumption, the flesh of a horse, or any product made in whole or in part from the flesh of a horse, or knowingly accept or publish newspaper advertising that includes the offering for sale, trade, or distribution of any such item for human consumption;

(4) Knowingly transport a horse for the purpose of slaughter for human consumption;

(5) Knowingly transport horsemeat, or any product made in whole or in part from the flesh of a horse, for the purpose of human consumption;

z. Surgically debark or silence a dog in violation of section 1 or 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);

aa. Use a live pigeon, fowl or other bird for the purpose of a target, or to be shot at either for amusement or as a test of skill in marksmanship, except that this subsection and subsections bb. and cc. shall not apply to the shooting of game;

bb. Shoot at a bird used as described in subsection aa. of this section, or is a party to such shooting; or

cc. Lease a building, room, field or premises, or knowingly permit the use thereof for the purposes of subsection aa. or bb. of this section ---

Shall forfeit and pay a sum according to the following schedule, to be sued for and recovered, with costs, in a civil action by any person in the name of the municipality or county wherein the defendant resides or where the offense was committed:

For a violation of subsection e., f., g., u., v., w., or z. of this section or of paragraph (3) of subsection a. of this section, or for a second or 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.

3. This act shall take effect immediately.

Approved May 11, 2021.

CHAPTER 84

AN ACT establishing the Task Force to Promote the Employment by State Agencies of People with Disabilities and supplementing Title 34 of the Revised Statutes.

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

C.34:1A-1.21 Findings, declarations.

1. The Legislature finds and declares that:
 - a. More than 19 million people in the United States work in state and local governments, and more than 570,000 people have public sector jobs in New Jersey, including 130,000 State government employees, employed in a wide variety of jobs and occupations, including accountants, corrections officers, mail clerks, chaplains, social workers, doctors, lawyers, teachers, and computer programmers;
 - b. People with disabilities can benefit from the experience of employment in State agencies, gaining skills and receiving benefits through both internships and employment in the public sector and the State can benefit from the contributions that they can make as State employees;
 - c. Nine states have instituted within their human resources agencies policies and programs that foster the inclusion of people with disabilities into state government jobs, including provisional appointments, alternative examination and interview processes, trial work periods, and special appointment lists;
 - d. As a leading employer, and as an employer providing many well-paid, quality jobs with ample paid time off and medical and pension benefits, the State of New Jersey can set an important example to other employers, especially private sector employers, by increasing its efforts to recruit and retain in employment individuals with intellectual and developmental disabilities; and
 - e. It is therefore appropriate to establish a Task Force to Promote the Employment by State Agencies of People with Disabilities for the purposes of studying the problem of unemployment and underemployment among individuals in New Jersey with disabilities, reviewing existing programs in this

and other states, and private sector companies, to recruit and retain in employment individuals with intellectual and developmental disabilities, and assisting in the identification and implementation of strategies to expand efforts of New Jersey State agencies to recruit and retain in employment individuals with disabilities, including by providing guidance and support to agencies and institutions of higher education.

C.34:1A-1.22 Task Force to Promote the Employment by State Agencies of People with Disabilities.

2. a. There is established, in the Department of Labor and Workforce Development, the Task Force to Promote the Employment by State Agencies of People with Disabilities. The task force shall consist of 13 members, including one representative each for the Civil Service Commission, the Department of Education, the Department of Labor and Workforce Development, the State Treasurer, the Office of the Ombudsman for Individuals with Intellectual or Developmental Disabilities and their Families, the State Council on Developmental Disabilities, the State Rehabilitation Council, and the John J. Heldrich Center for Workforce Development, who shall serve *ex officio*, and five members appointed by the Governor with the advice and consent of the Senate as follows: a member representing the Association for Choices in Community Supports and Employment Services (ACCSES New Jersey); a member representing The Arc of New Jersey; a representative of a community rehabilitation program, and two individuals who have a disability.

b. All appointments shall be made within 90 days after the effective date of this act. The appointed members of the task force shall serve for terms of three years. Vacancies in the membership of the appointed members of the task force shall be filled in the same manner as the original appointments.

c. Members of the task force shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties as members of the task force, within the limits of funds appropriated or otherwise made available to the task force for its purposes.

d. The task force shall organize as soon as possible after the appointments are made and select a chairperson from among its members. The task force shall meet at least quarterly, may hold meetings and hearings at places and times as it designates, and may meet at any other times at the call of the chairperson. No action shall be taken by the task force except by an affirmative vote of a majority of the voting members.

C.34:1A-1.23 Purpose of task force.

3. a. The purpose of the task force is to study the problem of unemployment and underemployment among individuals with disabilities, review relevant, available programs within the State of New Jersey for State and local government agencies to recruit, hire, and retain in employment individuals with intellectual and developmental disabilities, as well as similar programs in other states and private sector employers, and assist in the identification and implementation of strategies to expand efforts of New Jersey State and local government agencies to recruit, hire, and retain in employment individuals with disabilities.

b. The task force shall issue annual reports which offer a vision and provide viable recommendations on how the State can increase opportunities for employment for individuals with intellectual and developmental disabilities by expanding efforts of New Jersey State and local government agencies to promote the employment of such individuals by recruiting, hiring, and retaining them in employment, including by providing guidance and support to agencies and institutions of higher education.

c. The task force shall issue its first report to the Governor and Legislature not later than one year after the members of the task force are appointed. Each annual report shall be made available to the public by means including the posting of the report on the web sites of the State agencies represented on the task force.

4. This act shall take effect immediately.

Approved May 11, 2021.

CHAPTER 85

AN ACT establishing the Clayton Model Pilot Program in the Department of Education.

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

1. a. There is established a five-year Clayton Model Pilot Program in the Department of Education. Under the pilot program, a universal, school-based, social emotional learning program shall be provided to public school students in grades kindergarten through five to help enhance positive youth development and academic achievement. The pilot program shall be implemented

through two educational strategies. The first strategy teaches students about processing, integrating, and selectively applying social and emotional skills. The second strategy involves fostering students' social emotional development by creating safe and caring learning environments using tiered supports that incorporate peer and family activities, improved classroom management and teaching practices, and whole-school community-building activities.

b. The Commissioner of Education shall select three counties to participate in the pilot program. The commissioner shall select one county to represent the northern area of the State, one county to represent the central area of the State, and Gloucester County to represent the southern area of the State.

In each of the selected counties, the commissioner shall identify a maximum of 10 schools for participation in the pilot program. The schools shall be identified in collaboration with the Senator Walter Rand Institute for Public Affairs at Rutgers University-Camden.

c. The commissioner shall establish a steering committee that shall be responsible for providing accountability and guidance on policies and practices associated with the implementation of the pilot program. The steering committee shall, at a minimum, include the following members: a representative of the Department of Education appointed by the commissioner; a member of the public with expertise in issues related to the work of the steering committee appointed by the Senate President; a member of the public with expertise in issues related to the work of the steering committee appointed by the Speaker of the General Assembly; the Superintendent of Schools of the Clayton School District, who shall serve *ex officio*; the Director of the Child Connection Center, who shall serve *ex officio*; and a representative of the Senator Walter Rand Institute for Public Affairs at Rutgers University-Camden appointed by the commissioner upon the recommendation of the institute. The commissioner may appoint additional members to the steering committee with expertise in issues related to the work of the committee as deemed necessary.

d. The commissioner shall initiate the pilot program in phases and provide for full implementation by no later than the third year of the pilot program. The Clayton School District shall serve as the model site for the pilot program, support the accurate communication of the model to administrators and teachers in schools participating in the pilot program, and design and conduct the training for county-level social emotional learning coordinators. The county special services school district, educational services commission, or jointure commission serving each of the counties selected for participation in the pilot program shall be responsible for the management of the social emotional learning programming in its county under the pilot program. The

county special services school district, educational services commission, or jointure commission shall hire social emotional learning coordinators at the county level who shall train and organize the placement of social emotional learning specialists, including social workers, behavioral health care providers, or other social emotional learning professionals, who shall provide social emotional learning supports at the school level under the pilot program.

2. a. The Senator Walter Rand Institute shall develop and implement a comprehensive evaluation of the pilot program that measures outcomes for students, schools, and families and assesses the fidelity of the training and implementation of the model. The evaluation shall also include a cost-benefit analysis of the pilot program. The institute may conduct its evaluation in collaboration with such social emotional learning experts, researchers, and evaluators at Rutgers University and other institutions of higher education, as the institute deems appropriate.

b. No later than six months following the conclusion of the pilot program, the institute shall report the results of the evaluation to the Commissioner of Education and the steering committee.

3. a. The commissioner shall provide interim reports by June 30th during each year of the pilot program to the State Board of Education, the Governor, and the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1). The interim reports shall include the costs of the pilot program to date, the number and names of the school districts and schools participating in the pilot program, the number of students served under the pilot program, and such other information that the commissioner deems appropriate.

b. The commissioner shall report to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), after the receipt of the evaluation from the Senator Walter Rand Institute pursuant to section 2 of this act, on the implementation and effectiveness of the pilot program. The report shall include the commissioner's recommendation on the advisability of the program's continuation and expansion to additional public schools in the State.

4. Federal funds shall be utilized to support the implementation of years one and two of the Clayton Model Pilot Program. Federal funds shall first be utilized to support years three through five of this program. An appropriation of State funds may occur to support the implementation of the program for years three through five if available federal funds are insufficient to cover program costs.

5. This act shall take effect immediately.

Approved May 11, 2021.

CHAPTER 86

AN ACT revising the membership of the State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration Contractors, and amending P.L.2007, c.211.

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

1. Section 3 of P.L.2007, c.211 (C.45:16A-3) is amended to read as follows:

C.45:16A-3 State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration Contractors.

3. There is created within the Division of Consumer Affairs in the Department of Law and Public Safety the State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration Contractors. The board shall consist of eleven members who are residents of the State of New Jersey and who, except for the member from the department in the Executive Branch of State Government, shall be appointed by the Governor. In addition to the two public members appointed to represent the interests of the public pursuant to the provisions of subsection b. of section 2 of P.L.1971, c.60 (C.45:1-2.2), one member shall be from a department in the Executive Branch of State Government who shall serve without compensation at the pleasure of the Governor; one member shall be appointed by the Governor upon recommendation of the Senate President; one member shall be appointed by the Governor upon recommendation of the Speaker of the General Assembly; three members shall be practicing Master HVACR contractors with at least 10 years' experience; two members shall be mechanical inspectors with at least 10 years' experience; and one member shall be an HVACR journey-person of at least 10 years' experience.

The Governor shall appoint each member, other than the State executive department member, for terms of four years. Any vacancy in the membership shall be filled for the unexpired term in the manner provided for the original appointment. The Governor may remove any member of the board, other than the State executive department member, for cause.

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

Approved May 11, 2021.

CHAPTER 87

AN ACT concerning substitute teachers, amending P.L.2010, c.97 and P.L.2010, c.100, 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:26-2.29 Criteria for employment of substitute teacher.

1. a. Notwithstanding any law, rule, or regulation to the contrary, a candidate for a substitute teacher credential who is enrolled in a regionally accredited institution of higher education and who is applying between the effective date of this act and June 30, 2023 shall present a minimum of 30 semester-hour credits completed at the institution at the time of applying for the substitute credential. A candidate applying for a substitute teacher credential under this section shall be at least 20 years of age. Nothing in this section shall be construed to restrict school districts from establishing additional criteria for the employment of substitute teachers under this section.

b. It shall be the duty of the Commissioner of Education to examine issues and develop recommendations as to whether the timeline established pursuant to subsection a. of this section should be extended to continue allowing candidates for substitute teaching credentials to present a minimum of 30 semester-hour credits completed at the time of applying for the substitute credential. The commissioner shall issue a final report of findings and recommendations to the Governor, to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), and to the State Board of Education no later than one year after the application period expires on June 30, 2023.

2. Section 1 of P.L.2010, c.97 (C.18A:16-1.1a) is amended to read as follows:

C.18A:16-1.1a Filling of vacancy, absent teaching position; time limit.

1. A vacant teaching position, or the position of a teacher who is absent for an extended time period, shall not be filled in any school year by one or

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more individuals holding a substitute credential issued by the State Board of Education pursuant to the provisions of N.J.S.18A:6-38 for a total amount of time exceeding 20 school days. The commissioner may grant an extension of up to an additional 20 school days upon written application from the school district demonstrating the district's inability to hire an appropriately certified teacher for the vacant position within the original 20-day time limit. During a public health emergency declared by the Governor pursuant to the "Emergency Health Powers Act," P.L.2005, c.222 (C.26:13-1 et seq.), a vacant or absent position may be filled by a holder of a substitute credential for up to 40 school days and for an additional 20 school days upon written application to the Commissioner of Education or the commissioner's designee, demonstrating the district's inability to hire an appropriately certified teacher within the 40-day time limit and that the individuals are periodically monitored and supported by the credential holder's supervisor.

3. Section 2 of P.L.2010, c.100 (C.18A:16-1.1c) is amended to read as follows:

C.18A:16-1.1c Filling of vacancy, absent teaching position.

2. A vacant teaching position, or the position of a teacher who is absent for an extended time period, shall not be filled in any school year by one or more individuals employed as substitute teachers and holding a certificate of eligibility or a certificate of eligibility with advanced standing issued by the State Board of Examiners and working in an area not authorized by their credentials for a total amount of time exceeding 20 school days. The executive county superintendent of schools may grant an extension of up to an additional 20 days upon written application from the school district demonstrating the district's inability to hire an appropriately certified teacher for the vacant position within the original 20-day time limit. During a public health emergency declared by the Governor pursuant to the "Emergency Health Powers Act," P.L.2005, c.222 (C.26:13-1 et seq.), a vacant or absent position may be filled by a holder of a certificate of eligibility or a certificate of eligibility with advanced standing and working in an area not authorized by their credentials for up to 40 school days and for an additional 20 school days upon written application to the Commissioner of Education or the commissioner's designee demonstrating the district's inability to hire an appropriately certified teacher within the 40-day time limit and that the individuals are periodically monitored and supported by the credential holder's supervisor.

4. This act shall take effect immediately.

Approved May 11, 2021.

CHAPTER 88

AN ACT concerning the names required on applications for professional and occupational licensure and supplementing P.L.1978, c.73 (C.45:1-21 et seq.).

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

C.45:1-7.9 Applications for professional, occupational licensure; names required.

1. a. An application to be completed for a professional or occupational license, certificate of registration, or certification, or renewal, reactivation, or reinstatement of a professional or occupational license, certificate of registration, or certification, shall include:

(1) a line for the applicant to list a professional name;

(2) a line for the individual to list a legal name, if different from the professional name; and

(3) the ability for the applicant to choose which of the names is to appear on the license, certificate of registration or certification.

b. Notwithstanding any law, rule, or regulation to the contrary, the provisions of this section shall apply to every applicant for or holder of a professional or occupational license, certificate of registration, or certification issued, renewed, reactivated, or reinstated by a board specified in section 2 of P.L.2013, c. 253 (C.45:1-15), or by any principal department of the Executive Branch of State government or any entity within any department or any other entity hereafter created to license or otherwise regulate a profession or occupation.

2. This act shall take effect on the first day of the sixth month next following enactment, except that anticipatory administrative action in advance may be taken as necessary for the implementation of this act.

Approved May 11, 2021.

CHAPTER 89

AN ACT concerning outstanding parimutuel tickets and unclaimed cash vouchers and amending various sections of the statutory law.

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

1. Section 44 of P.L.1940, c.17 (C.5:5-64) is amended to read as follows:

C.5:5-64 Distribution of pari-mutuel pools.

44. Each holder of a permit shall distribute all sums deposited in any pool where the patron is required to select one horse to the winners thereof, less an amount which in harness races shall not exceed 17% of the total deposits plus the breaks and which in other races shall not exceed 17% of the total deposits plus the breaks. In every pool where the patron is required to select two horses, the holder of each permit for either harness or running track shall distribute all sums deposited in each pool to the winners thereof, less an amount which shall not exceed 19% of the total deposits plus the breaks. In every pool where the patron is required to select three or more horses, every holder of a permit shall distribute all sums deposited in each pool to the winners thereof, less an amount which shall not exceed 25% of the total deposits plus the breaks. Every permitholder shall distribute to the persons holding winning tickets in any of the aforementioned pools, as a minimum, a sum not exceeding \$0.10, calculated on the basis of each dollar deposited in any pool after the deduction of the said 17%, 19% or 25%, as the case may be. Should the amount remaining in the pool be insufficient to pay the winners the minimum, the breakage accruing in that race, or any necessary portion thereof, shall be applied toward making up any such deficiency. The breaks are hereby defined as the odd cents over any multiple of \$0.10, calculated on the basis of \$1.00 otherwise payable to a patron. Every permitholder engaged in the business of conducting running race meetings under this act, except the New Jersey Sports and Exposition Authority established pursuant to P.L.1971, c.137 (C.5:10-1 et seq.) or a lessee of the authority, shall distribute as purse money the breaks as herein defined, except as the same shall have been applied toward making up a deficiency in a pool as herein provided. Every permitholder engaged in the business of conducting harness race meetings under this act, except the New Jersey Sports and Exposition Authority or a lessee of the authority, shall retain for his own uses and purposes 50% of the breaks as herein

defined, except as the same shall have been applied toward making up a deficiency in the pool as herein provided, and shall distribute as purse money the remaining 50%. The New Jersey Sports and Exposition Authority or a lessee of the authority shall retain all breaks as revenue, except as the same shall have been applied toward making up a deficiency in a pool as herein provided.

Every permitholder shall submit to the commission every seventh day of any and every race meeting a report under oath showing the daily and total amount of such breaks, together with such other information as the commission may require. All sums held by any permitholder for payment of outstanding parimutuel tickets not claimed by the person or persons entitled thereto within 12 months from the time such tickets are issued shall be paid upon the expiration of such 12-month holding period as follows:

a. In the case of running and harness races, beginning July 1, 1997 50% of those sums shall be paid to the racing commission for deposit in the general fund of the State and disposition in accordance with section 4 of P.L.1997, c.29 (C.5:5-68.1);

b. In the case of running races, 50% of those sums shall be paid to the commission and set aside in the special trust account established pursuant to section 46 b.(1)(e) and section 46 b.(2)(e) of P.L.1940, c.17 (C.5:5-66); and

c. In the case of harness races, 25% of those sums shall be retained by the permitholder to supplement purses for sire stakes races on which there is parimutuel wagering, and 25% shall be retained by the permitholder to supplement overnight purses unless otherwise provided by a contractual agreement authorized under section 11 of P.L.2013, c.266 (C.5:5-188).

Where it is shown to the satisfaction of the commission that the reason for the parimutuel tickets being outstanding and unclaimed is the loss, misplacement or theft of said tickets within the confines and control of the parimutuel department of any permitholder, and it is further shown to the satisfaction of the commission that said parimutuel tickets have been cashed by such parimutuel department, the commission may adjust and credit the permitholder's account accordingly and the permitholder shall reimburse any employee who has been held personally accountable and paid for such lost, stolen or misplaced tickets. All outstanding parimutuel ticket money shall be deposited in an account separate and apart from the track's mutuel or general treasury account. The outstanding parimutuel ticket account shall be subject to the rules and regulations prescribed by the Division of New Jersey Racing Commission.

2. Section 4 of P.L.1997, c.29 (C.5:5-68.1) is amended to read as follows:

C.5:5-68.1 Appropriation to Racing Commission.

4. Beginning July 1, 1997, amounts resulting from parimutuel tickets remaining unclaimed after 12 months which are paid to the Racing Commission for deposit in the general fund pursuant to subsection a. of section 44 of P.L.1940, c.17 (C.5:5-64) and paragraph (1) of subsection g. of section 7 of P.L.1971, c.137 (C.5:10-7) shall be appropriated each fiscal year to the Racing Commission to be used for the expenses of the commission.

3. Section 3 of P.L.2001, c.199 (C.5:5-129) is amended to read as follows:

C.5:5-129 Definitions relative to horse racing and off-track wagering.

3. As used in this act:

"Account holder" means a resident of this State over age 18 who establishes an account pursuant to this act through which account wagers are placed.

"Account wagering" means a form of parimutuel wagering in which an account holder may deposit money in an account with the account wagering licensee and then use the account balance to pay for parimutuel wagers by the account holder.

"Account wagering licensee" means the New Jersey Sports and Exposition Authority or its assignee, provided that the commission has granted its approval for the authority to establish an account wagering system as provided for in this act.

"Account wagering system" means the system through which account wagers are processed by the account wagering licensee pursuant to this act.

"Applicant" means the New Jersey Sports and Exposition Authority or another entity that submits an application to the commission for a license to establish and conduct an off-track wagering facility pursuant to this act.

"Authority" means the New Jersey Sports and Exposition Authority created by section 4 of P.L.1971, c.137 (C.5:10-4).

"Backstretch Benevolency" means the Backstretch Benevolency Programs Fund established pursuant to section 1 of P.L.1993, c.15 (C.5:5-44.8).

"Breeders and Stallions" means the distribution from the special trust account created pursuant to section 46 a. (2) of P.L.1940, c.17 (C.5:5-66) for the purposes of subparagraph (c) of that citation.

"Breeding and Development" means the New Jersey Horse Breeding and Development Account established pursuant to section 5 of P.L.1967, c.40 (C.5:5-88).

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

"Executive Director" means the Executive Director of the commission.

"Health and Welfare" means moneys distributed to the Standardbred Breeders' and Owners' Association for the administration of a health benefits program pursuant to section 46 a. (5) of P.L.1940, c.17 (C.5:5-66).

"In-State host track" means a racetrack within this State which is operated by a permit holder which conducts a horse race upon which account wagers are placed pursuant to this act.

"In-State sending track" means a racetrack within this State which is operated by a permit holder and is equipped to conduct off-track simulcasting.

"In-State track" means an in-State host track or an in-State sending track.

"Interstate common pool" means the parimutuel pool established within this State or in another state or foreign nation within which is combined parimutuel pools of one or more receiving tracks located in one or more states or foreign nations upon a race at an out-of-State sending track or out-of-State host track for the purpose of establishing payoff prices in the various jurisdictions.

"Jockey's Health and Welfare" means a health and welfare trust established by the organization certified by the New Jersey Racing Commission as representing a majority of the active licensed thoroughbred jockeys in New Jersey for the purpose of providing health and welfare benefits to active, disabled and retired New Jersey jockeys and their dependents based upon reasonable criteria by that organization.

"New Jersey Racing Industry Special Fund" means the fund established pursuant to section 27 of this act.

"New Jersey Thoroughbred Horsemen's Association" means the association representing the majority of New Jersey thoroughbred owners and trainers responsible for receiving and distributing funds for programs designed to aid thoroughbred horsemen.

"Off-track simulcasting" means the simultaneous audio or visual transmission of horse races conducted at in-State and out-of-State racetracks to off-track wagering facilities and parimutuel wagering at those off-track wagering facilities on the results of those races.

"Off-track wagering" means parimutuel wagering at an off-track wagering facility as authorized under this act.

"Off-track wagering facility" means a licensed facility, other than a race-track, at which parimutuel wagering is conducted pursuant to this act.

"Off-track wagering licensee" means the New Jersey Sports and Exposition Authority or its assignee, or another entity to which the commission has granted its approval to conduct an off-track wagering facility as provided for in this act.

"Out-of-State host track" means a racetrack in a jurisdiction other than the State of New Jersey, the operator of which is lawfully permitted to conduct a horse race meeting and which conducts horse races upon which account wagers may be placed pursuant to this act.

"Out-of-State sending track" means a racetrack in a jurisdiction other than the State of New Jersey which is equipped to conduct off-track simulcasting and the operator of which is lawfully permitted to conduct a horse race meeting and to provide simulcast horse races to off-track wagering facilities in this State.

"Out-of-State track" means an out-of-State host track or an out-of-State sending track.

"Outstanding parimutuel ticket" means a winning parimutuel ticket which is not claimed within 12 months of sale.

"Parimutuel" means any system whereby wagers with respect to the outcome of a horse race are placed with, or in, a wagering pool conducted by an authorized person, and in which the participants are wagering with each other and not against the person conducting the wagering pool.

"Participation agreement" means the written contract entered into prior to the effective date of P.L.2011, c.26, that provides for the establishment or implementation of either (a) an off-track wagering facility or facilities or (b) an account wagering system. Each such contract shall set forth the manner in which the off-track wagering facility or facilities or the account wagering system shall be managed, operated and capitalized, as well as how expenses and revenues shall be allocated and distributed by and among the authority and the other eligible participants subject to the agreement.

"Permit holder" means the holder of an annual permit to conduct a horse race meeting issued by the commission.

"Racetrack" means the physical facility where a permit holder conducts a horse race meeting with parimutuel wagering.

"Racing costs" means the prospective and actual costs for all licensing, investigation, operation, regulation, supervision and enforcement activities and functions performed by the commission.

"Simulcast horse races" means horse races conducted at an in-State sending track or an out-of-State sending track, as the case may be, and transmitted simultaneously by picture to a receiving track or an off-track wagering facility.

"Sire Stakes" means the Sire Stakes Program established pursuant to section 1 of P.L.1971, c.85 (C.5:5-91).

"Standardbred Drivers' Health and Welfare" means a health and welfare trust established by the Standardbred Breeders' and Owners' Association of New Jersey for the purpose of providing health and welfare benefits to active,

disabled and retired New Jersey standardbred drivers and their dependents based upon reasonable criteria by that organization.

"Takeout" means that portion of a wager which is deducted from or not included in the parimutuel pool, and which is distributed other than to persons placing wagers.

"Thoroughbred Breeders and Stallions" means the special trust account created pursuant to section 46 b.(1)(e) of P.L.1940, c.17 (C.5:5-66).

4. Section 2 of P.L.1992, c.19 (C.5:12-192) is amended to read as follows:

C.5:12-192 Definitions.

2. As used in sections 1 through 20 of this act:

"Casino" means a licensed casino or gambling house located in Atlantic City at which casino gambling is conducted pursuant to the provisions of P.L.1977, c.110 (C.5:12-1 et seq.).

"Casino simulcasting" means the simultaneous transmission by picture of running or harness horse races conducted at race tracks to casinos and parimutuel wagering at those gambling establishments on the results of those races.

"In-State sending track" means a racetrack within this State which is operated by a permit holder and is equipped to conduct casino simulcasting.

"Interstate common pool" means a parimutuel pool established within this State or in another state or foreign nation within which is combined parimutuel pools of one or more receiving tracks located in one or more states or foreign nations upon a race at a sending track located outside of this State for the purpose of establishing pay-off prices in the various jurisdictions.

"Out-of-State sending track" means a racetrack in a jurisdiction other than the State of New Jersey which is equipped to conduct casino simulcasting and the operator of which is lawfully permitted to conduct a horse race meeting and to provide simulcast horse races to a casino in this State.

"Outstanding parimutuel ticket" means a winning parimutuel ticket which is not claimed within 12 months of sale.

"Permit holder" means the holder of an annual permit to conduct a horse race meeting issued by the New Jersey Racing Commission.

"Simulcast horse race" means a running or harness horse race conducted at a racetrack which is simultaneously transmitted by picture to a casino.

5. a. Notwithstanding the provisions of any other law, rule, or regulation to the contrary, winning outstanding parimutuel tickets purchased from the period beginning on September 16, 2019 and ending on the date of the end of the Public Health Emergency declared by the Governor in Executive Order No. 103 of

2020 and as extended shall be eligible to be claimed and shall be payable during the period ending one year following the end of the Public Health Emergency.

b. Notwithstanding the provisions of this act or any other law, rule, or regulation to the contrary, unclaimed cash vouchers on horse racing issued or purchased since March 16, 2017 shall be eligible to be claimed and shall be payable during the period ending one year following the end of the Public Health Emergency declared by the Governor in Executive Order No. 103 of 2020 and as extended. The one-year extension shall apply to unclaimed cash vouchers that reach the three-year expiration date before the end of the Public Health Emergency.

c. Notwithstanding the provisions of any other law, rule, or regulation to the contrary, all sums held by a permit holder that conducts harness or thoroughbred races for payment of outstanding parimutuel tickets and unclaimed cash vouchers shall not be paid to any account, as required by law, until one year following the end of the Public Health Emergency declared by the Governor in Executive Order No. 103 of 2020 and as extended, to allow a person or persons entitled to such tickets and vouchers to claim the proceeds, pursuant to the provisions of subsections a. and b. of this section.

6. This act shall take effect immediately.

Approved May 11, 2021.

CHAPTER 90

AN ACT concerning the tax treatment of forgiven federal paycheck protection program loans.

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

1. Notwithstanding N.J.S.54A:5-1, a loan, or portion thereof, forgiven pursuant to section 1106 of the federal CARES Act, Pub.L.116-136, or any subsequent expansion of the federal Paycheck Protection Program, including the provision of second draw loans pursuant to section 311 of Division N of the "Consolidated Appropriations Act, 2021," Pub.L.116-260, shall not be included in the calculation of New Jersey gross income subject to tax under the New Jersey Gross Income Tax Act.

2. a. A taxpayer under the Corporation Business Tax Act (1945), P.L.1945, c.162 (C.54:10A-1 et seq.) shall not be denied a deduction for ordinary and necessary business expenses paid for with the proceeds of a federal Paycheck Protection Program loan by reason of the exclusion from entire net income under P.L.1945, c.162 of such loan, or portion thereof, forgiven pursuant to section 1106 of the federal CARES Act, Pub.L.116-136 or any subsequent expansion of the federal Paycheck Protection Program, including the provision of second draw loans pursuant to section 311 of Division N of the "Consolidated Appropriations Act, 2021," Pub.L.116-260.

b. A taxpayer under the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq. shall not be denied a deduction for ordinary and necessary business expenses paid for with the proceeds of a federal Paycheck Protection Program loan by reason of the exclusion from New Jersey gross income under the New Jersey Gross Income Tax Act of such loan, or portion thereof, forgiven pursuant to section 1106 of the federal CARES Act, Pub.L.116-136, or any subsequent expansion of the federal Paycheck Protection Program, including the provision of second draw loans pursuant to section 311 of Division N of the "Consolidated Appropriations Act, 2021," Pub.L.116-260, or pursuant to section 1 of this act.

3. This act shall take effect immediately and shall apply retroactively to taxable years beginning on or after January 1, 2020.

Approved May 11, 2021.

CHAPTER 91

AN ACT requiring State agencies that award contracts for the purchase of items that require a power source to consider items powered by fuel cells and supplementing Title 52 of the Revised Statutes.

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

C.52:34-6.9 State agency contracts, consideration of items powered by fuel cells.

1. A State agency that seeks to purchase any item requiring the use of a power source, including but not limited to motor vehicles, material and cargo-handling equipment such as forklifts, harbor craft, generators, power

systems, portable floodlights, microgrids, and telecommunications equipment, shall include in the request for proposals provisions that allow for the consideration of items that are powered by fuel cells.

As used in this section:

"fuel cell" means a device or system that is designed to provide heating or cooling, or electrical or mechanical power, by converting the chemical energy of a fuel and an oxidant into electricity through a non-combustive electrochemical process; and

"State agency" means any of the principal departments in the Executive Branch of the State Government, and any division, board, bureau, office, commission or other instrumentality within or created by such department and any independent State authority, commission, instrumentality or agency which is authorized by law to award contracts.

2. This act shall take effect immediately.

Approved May 12, 2021.

CHAPTER 92

AN ACT concerning voidable transactions, revising various sections of the statutory law and supplementing chapter 2 of Title 25 of the Revised Statutes.

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

1. R.S.25:2-20 is amended to read as follows:

Short title.

25:2-20. Short title.

This article which was formerly known as the "Uniform Fraudulent Transfer Act" shall be known and may be cited as the "Uniform Voidable Transactions Act," on or after the effective date of P.L.2021, c.92.

2. R.S.25:2-21 is amended to read as follows:

Definitions: A to H.

25:2-21. Definitions: A to H.

As used in this article:

"Affiliate" means:

a. A person who directly or indirectly owns, controls, or holds with power to vote, 20% or more of the outstanding voting securities of the debtor, other than a person who holds the securities:

(1) As a fiduciary or agent without sole discretionary power to vote the securities; or

(2) Solely to secure a debt, if the person has not in fact exercised the power to vote;

b. A corporation 20% or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the debtor or a person who directly or indirectly owns, controls, or holds with power to vote, 20% or more of the outstanding voting securities of the debtor, other than a person who holds the securities:

(1) As a fiduciary or agent without sole discretionary power to vote the securities; or

(2) Solely to secure a debt, if the person has not in fact exercised the power to vote;

c. A person whose business is operated by the debtor under a lease or other agreement, or a person substantially all of whose assets are controlled by the debtor; or

d. A person who operates the debtor's business under a lease or other agreement or controls substantially all of the debtor's assets.

"Asset" means property of a debtor, but the term does not include:

a. Property to the extent it is encumbered by a valid lien;

b. Property to the extent it is generally exempt under nonbankruptcy law; or

c. An interest in property held in tenancy by the entireties to the extent it is not subject to process by a creditor holding a claim against only one tenant.

"Claim", except as used in "claim for relief," means a right to payment, whether or not the right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured.

"Creditor" means a person who has a claim.

"Debt" means liability on a claim.

"Debtor" means a person who is liable on a claim.

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

3. R.S.25:2-22 is amended to read as follows:

Definitions: I to Z.

25:2-22. Definitions: I to Z.

As used in this article:

"Insider" includes:

a. If the debtor is an individual:

- (1) A relative of the debtor or of a general partner of the debtor;
- (2) A partnership in which the debtor is a general partner;
- (3) A general partner in a partnership described in paragraph (2) of subsection a. of this definition; or

(4) A corporation of which the debtor is a director, officer, or person in control;

b. If the debtor is a corporation:

- (1) A director of the debtor;
- (2) An officer of the debtor;
- (3) A person in control of the debtor;
- (4) A partnership in which the debtor is a general partner;
- (5) A general partner in a partnership described in paragraph (4) of subsection b. of this definition; or

(6) A relative of a general partner, director, officer, or person in control of the debtor;

c. If the debtor is a partnership:

- (1) A general partner in the debtor;
- (2) A relative of a general partner in, or a general partner of, or a person in control of the debtor;
- (3) Another partnership in which the debtor is a general partner;
- (4) A general partner in a partnership described in paragraph (3) of subsection c. of this definition; or

(5) A person in control of the debtor;

d. An affiliate, or an insider of an affiliate as if the affiliate were the debtor; and

e. A managing agent of the debtor.

"Lien" means a charge against or an interest in property to secure payment of a debt or performance of an obligation, and includes a security interest created by agreement, a judicial lien obtained by legal or equitable process or proceedings, a common-law lien, or a statutory lien.

"Organization" means a person other than an individual.

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

"Property" means anything that may be the subject of ownership.

"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.

"Relative" means an individual related by consanguinity within the third degree as determined by the common law, a spouse, or an individual related to a spouse within the third degree as so determined, and includes an individual in an adoptive relationship within the third degree.

"Sign" means, with present intent to authenticate or adopt a record:

(1) To execute or adopt a tangible symbol; or

(2) To attach to or logically associate with the record an electronic symbol, sound, or process.

"Transfer" means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with an asset or an interest in an asset, and includes payment of money, release, lease, license, and creation of a lien or other encumbrance.

"Valid lien" means a lien that is effective against the holder of a judicial lien subsequently obtained by legal or equitable process or proceedings.

4. R.S.25:2-23 is amended to read as follows:

Insolvency.

25:2-23. Insolvency.

a. A debtor is insolvent if, at a fair valuation, the sum of the debtor's debts is greater than the sum of the debtor's assets.

b. A debtor who is generally not paying the debtor's debts as they become due other than as a result of a bona fide dispute is presumed to be insolvent. This presumption imposes on the party against which the presumption is directed the burden of proving that the nonexistence of insolvency is more probable than its existence.

c. (Deleted by amendment, P.L.2021, c.92.)

d. Assets under this section do not include property that has been transferred, concealed, or removed with intent to hinder, delay, or defraud creditors or that has been transferred in a manner making the transfer voidable under this article.

e. Debts under this section do not include an obligation to the extent it is secured by a valid lien on property of the debtor not included as an asset.

5. R.S.25:2-24 is amended to read as follows:

Value.

25:2-24. Value.

a. Value is given for a transfer or an obligation if, in exchange for the transfer or obligation, property is transferred or an antecedent debt is secured or satisfied, but value does not include an unperformed promise made otherwise than in the ordinary course of the promisor's business to furnish support to the debtor or another person.

b. For the purposes of paragraph (2) of subsection a. of R.S.25:2-25 and R.S.25:2-27, a person gives a reasonably equivalent value if the person acquires an interest of the debtor in an asset pursuant to a regularly conducted, noncollusive foreclosure sale or execution of a power of sale for the acquisition or disposition of the interest of the debtor upon default under a mortgage, deed of trust, or security agreement.

c. A transfer is made for present value if the exchange between the debtor and the transferee is intended by them to be contemporaneous and is in fact substantially contemporaneous.

6. R.S.25:2-25 is amended to read as follows:

Transfer or obligation voidable as to present or future creditor.

25:2-25. Transfer or obligation voidable as to present or future creditor.

a. A transfer made or obligation incurred by a debtor is voidable as to a creditor, whether the creditor's claim arose before or after the transfer was made or the obligation was incurred, if the debtor made the transfer or incurred the obligation:

(1) With actual intent to hinder, delay, or defraud any creditor of the debtor; or

(2) Without receiving a reasonably equivalent value in exchange for the transfer or obligation, and the debtor:

(a) Was engaged or was about to engage in a business or a transaction for which the remaining assets of the debtor were unreasonably small in relation to the business or transaction; or

(b) Intended to incur, or believed or reasonably should have believed that the debtor would incur, debts beyond the debtor's ability to pay as they become due.

b. A creditor making a claim for relief under subsection a. of this section has the burden of proving the elements of the claim for relief by a preponderance of the evidence.

7. R.S.25:2-26 is amended to read as follows:

Factors in determining intent.

25:2-26. Factors in determining intent.

In determining actual intent under paragraph (1) of subsection a. of R.S.25:2-25 consideration may be given, among other factors, to whether:

- a. The transfer or obligation was to an insider;
- b. The debtor retained possession or control of the property transferred after the transfer;
- c. The transfer or obligation was disclosed or concealed;
- d. Before the transfer was made or obligation was incurred, the debtor had been sued or threatened with suit;
- e. The transfer was of substantially all the debtor's assets;
- f. The debtor absconded;
- g. The debtor removed or concealed assets;
- h. The value of the consideration received by the debtor was reasonably equivalent to the value of the asset transferred or the amount of the obligation incurred;
- i. The debtor was insolvent or became insolvent shortly after the transfer was made or the obligation was incurred;
- j. The transfer occurred shortly before or shortly after a substantial debt was incurred; and
- k. The debtor transferred the essential assets of the business to a lienor who transferred the assets to an insider of the debtor.

8. R.S.25:2-27 is amended to read as follows:

Transfer or obligation voidable as to present creditor.

25:2-27. Transfer or obligation voidable as to present creditor.

a. A transfer made or obligation incurred by a debtor is voidable as to a creditor whose claim arose before the transfer was made or the obligation was incurred if the debtor made the transfer or incurred the obligation without receiving a reasonably equivalent value in exchange for the transfer or obligation and the debtor was insolvent at that time or the debtor became insolvent as a result of the transfer or obligation.

b. A transfer made by a debtor is voidable as to a creditor whose claim arose before the transfer was made if the transfer was made to an insider for an antecedent debt, the debtor was insolvent at that time, and the insider had reasonable cause to believe that the debtor was insolvent.

c. Subject to subsection b. of R.S.25:2-23, a creditor making a claim for relief under subsection a. or b. of this section has the burden of proving the elements of the claim for relief by a preponderance of the evidence.

9. R.S.25:2-28 is amended to read as follows:

When transfer is made or obligation incurred.

25:2-28. When transfer is made or obligation incurred.

For the purposes of this article:

a. A transfer is made:

(1) With respect to an asset that is real property other than a fixture, but including the interest of a seller or purchaser under a contract for the sale of the asset, when the transfer is so far perfected that a good-faith purchaser of the asset from the debtor against whom applicable law permits the transfer to be perfected cannot acquire an interest in the asset that is superior to the interest of the transferee; and

(2) With respect to an asset that is not real property or that is a fixture, when the transfer is so far perfected that a creditor on a simple contract cannot acquire a judicial lien otherwise than under this article that is superior to the interest of the transferee;

b. If applicable law permits the transfer to be perfected as provided in subsection a. of this section and the transfer is not so perfected before the commencement of an action for relief under this article, the transfer is deemed made immediately before the commencement of the action;

c. If applicable law does not permit the transfer to be perfected as provided in subsection a. of this section, the transfer is made when it becomes effective between the debtor and the transferee;

d. A transfer is not made until the debtor has acquired rights in the asset transferred;

e. An obligation is incurred:

(1) If oral, when it becomes effective between the parties; or

(2) If evidenced by a record, when the record signed by the obligor is delivered to or for the benefit of the obligee.

10. R.S.25:2-29 is amended to read as follows:

Remedies of creditor.

25:2-29. Remedies of creditor.

a. In an action for relief against a transfer or obligation under this article, a creditor, subject to the limitations in R.S.25:2-30, may obtain:

(1) Avoidance of the transfer or obligation to the extent necessary to satisfy the creditor's claim;

(2) An attachment or other provisional remedy against the asset transferred or other property of the transferee if available under applicable law; and

(3) Subject to applicable principles of equity and in accordance with applicable rules of civil procedure:

(a) An injunction against further disposition by the debtor or transferee, or both, of the asset transferred or of other property;

(b) Appointment of a receiver to take charge of the asset transferred or of other property of the transferee; or

(c) Any other relief the circumstances may require.

b. If a creditor has obtained a judgment on a claim against the debtor, the creditor, if the court so orders, may levy execution on the asset transferred or its proceeds.

11. R.S.25:2-30 is amended to read as follows:

Defenses, liability and protection of transferee or obligee.

25:2-30. Defenses, liability and protection of transferee or obligee.

a. A transfer or obligation is not voidable under paragraph (1) of subsection a. of R.S.25:2-25 against a person who took in good faith and for a reasonably equivalent value given the debtor or against any subsequent transferee or obligee.

b. To the extent a transfer is voidable in an action by a creditor under paragraph (1) of subsection a. of R.S.25:2-29 the following rules apply:

(1) Except as otherwise provided in this section, the creditor may recover judgment for the value of the asset transferred, as adjusted under subsection c. of this section, or the amount necessary to satisfy the creditor's claim, whichever is less. The judgment may be entered against:

(a) The first transferee of the asset or the person for whose benefit the transfer was made; or

(b) An immediate or mediate transferee of the first transferee, other than:

(i) a good-faith transferee who took for value; or

(ii) an immediate or mediate good-faith transferee of a person described in subsubparagraph (i) of subparagraph (b) of paragraph (1) of subsection b. of this section.

(2) Recovery pursuant to paragraph (1) of subsection a. of R.S.25:2-29 or subsection b. of R.S.25:2-29 of or from the asset transferred or its proceeds, by levy or otherwise, is available only against a person described in subparagraph (a) or (b) of paragraph (1) of subsection b. of this section.

c. If the judgment under subsection b. of this section is based upon the value of the asset transferred, the judgment shall be for an amount equal to the value of the asset at the time of the transfer, subject to adjustment as the equities may require.

d. Notwithstanding voidability of a transfer or an obligation under this article, a good-faith transferee or obligee is entitled, to the extent of the value given the debtor for the transfer or obligation, to:

- (1) A lien on or a right to retain an interest in the asset transferred;
- (2) Enforcement of an obligation incurred; or
- (3) A reduction in the amount of the liability on the judgment.

e. A transfer is not voidable under paragraph (2) of subsection a. of R.S. 25:2-25 or R.S.25:2-27 if the transfer results from:

- (1) Termination of a lease upon default by the debtor when the termination is pursuant to the lease and applicable law; or
- (2) Enforcement of a security interest in compliance with Article 9 of the Uniform Commercial Code, other than acceptance of collateral in full or partial satisfaction of the obligation it secures.

f. A transfer is not voidable under subsection b. of R.S. 25:2-27:

- (1) To the extent the insider gave new value to or for the benefit of the debtor after the transfer was made, except to the extent the new value was secured by a valid lien;

- (2) If made in the ordinary course of business or financial affairs of the debtor and the insider; or

- (3) If made pursuant to a good-faith effort to rehabilitate the debtor and the transfer secured present value given for that purpose as well as an antecedent debt of the debtor.

g. The following rules shall determine the burden of proving matters referred to in this section:

- (1) A party that seeks to invoke subsection a., d., e., or f. has the burden of proving the applicability of that subsection.

- (2) Except as otherwise provided in paragraphs (3) and (4) of this subsection, the creditor has the burden of proving each applicable element of subsection b. or c.

- (3) The transferee has the burden of proving the applicability to the transferee of subsubparagraph (i) or (ii) of subparagraph (b) of paragraph (1) of subsection b.

- (4) A party that seeks adjustment under subsection c. has the burden of proving the adjustment.

h. The standard of proof required to establish matters referred to in this section is preponderance of the evidence.

12. R.S.25:2-31 is amended to read as follows:

Extinguishment of claim for relief.

25:2-31. Extinguishment of claim for relief.

A claim for relief with respect to a transfer or obligation under this article is extinguished unless action is brought:

a. Under paragraph (1) of subsection a. of R.S.25:2-25, not later than four years after the transfer was made or the obligation was incurred or, if later, not later than one year after the transfer or obligation was discovered by the claimant;

b. Under paragraph (2) of subsection a. of R.S.25:2-25 or subsection a. of R.S.25:2-27, not later than four years after the transfer was made or the obligation was incurred; or

c. Under paragraph (2) of subsection a. of R.S.25:2-27, not later than one year after the transfer was made.

C.25:2-35 Governing law.

13. Governing law.

a. 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 shall be deemed to be located at its chief executive office.

b. A claim in the nature of a claim under the "Uniform Voidable Transactions Act," R.S.25:2-20 et seq., shall be governed by the local law of the jurisdiction in which the debtor is located when the transfer is made or the obligation is incurred.

14. R.S.25:2-32 is amended to read as follows:

Supplementary provisions.

25:2-32. Supplementary provisions.

Unless displaced by the provisions of the "Uniform Voidable Transactions Act," R.S.25:2-20 et seq., the principles of law and equity, including the law merchant and the law relating to principal and agent, estoppel, laches, fraud, misrepresentation, duress, coercion, mistake, insolvency, or other validating or invalidating cause, supplement its provisions.

15. R.S.25:2-33 is amended to read as follows:

Uniformity of application and construction.

25:2-33. Uniformity of application and construction.

The "Uniform Voidable Transactions Act," R.S.25:2-20 et seq., shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this article among states enacting it.

C.25:2-36 Relation to "Electronic Signatures in Global and National Commerce Act."

16. Relation to "Electronic Signatures in Global and National Commerce Act."

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

17. Section 13 of P.L.1998, c.1 (C.2A:17-56.62) is amended to read as follows:

C.2A:17-56.62 Voidable transfers by child support judgment debtors.

13. In any case in which the department knows of a transfer by a child support judgment debtor pursuant to the "Uniform Voidable Transactions Act," R.S.25:2-20 et seq., with respect to which a prima facie case is established, the department shall seek to void the transfer or obtain a settlement in the best interest of the child support creditor.

18. Section 8 of P.L.1979, c.484 (C.3A:25-46) is amended to read as follows:

C.3A:25-46 Bar of right to disclaim.

8. The right of a person to disclaim property or any interest therein is barred if the property or interest is seized under judicial process issued against the person before the expiration of the period in which he is permitted to disclaim; or if before the expiration of the period in which he is permitted to disclaim, the person (1) accepts or exercises control as beneficial owner over all or any part of such property or interest; or (2) voluntarily transfers or encumbers or contracts to transfer or encumber all or any part of such property or interest; or (3) disclaims or attempts to disclaim all or any part of such property or interest in fraud of his creditors as set forth in the "Uniform Voidable Transactions Act," R.S.25:2-20 et seq.; or (4) executes a written waiver of the right to disclaim.

19. N.J.S.3B:9-9 is amended to read as follows:

Bar of right to disclaim.

3B:9-9. Bar of right to disclaim.

a. The right of an individual to disclaim property or any interest therein is barred by:

(1) an assignment, conveyance, encumbrance, pledge or transfer of the property or interest or a contract therefor; or

(2) a written waiver of the right to disclaim; or

(3) an acceptance of the property or interest or a benefit under it after actual knowledge that a property right has been conferred; or

(4) a sale of the property or interest that was seized under judicial process before the disclaimer is made; or

(5) the expiration of the permitted applicable perpetuities period; or

(6) a fraud on the individual's creditors as set forth in the "Uniform Voidable Transactions Act" (R.S.25:2-20 et seq.).

b. The disclaimant shall not be barred from disclaiming all or any part of the balance of the property where the disclaimant has received a portion of the property and there still remains an interest which the disclaimant is yet to receive.

c. A bar to the right to disclaim a present interest in joint property does not bar the right to disclaim a future interest in that property.

d. The right to disclaim may be barred to the extent provided by other applicable statutory law.

20. Section 1 of P.L.2001, c.231 (C.14A:12-13.1) is amended to read as follows:

C.14A:12-13.1 Creditors barred from suing shareholders of certain dissolved corporations.

1. (1) A creditor as defined in subsection (3) of N.J.S.14A:12-12 or subsection (b) of N.J.S.14A:14-1, and all those claiming through or under the creditor, shall be forever barred from suing a shareholder on any claim, or otherwise realizing upon or enforcing any claim against a shareholder, unless that claim was filed against the shareholder, pursuant to N.J.S.14A:12-13 or N.J.S.14A:14-15, or otherwise, within five years after the corporation was dissolved.

(2) This section shall not: (a) apply to claims against shareholders which are in litigation on the effective date of this section; (b) operate to extend any otherwise applicable statute of limitations; or (c) affect any rights of creditors under the "Uniform Voidable Transactions Act," R.S.25:2-20 et seq.

21. Section 52 of P.L.2012, c.50 (C.42:2C-52) is amended to read as follows:

C.42:2C-52 Claims against member or transferee barred unless filed within five years after limited liability company dissolved.

52. Claims Against Member or Transferee Barred Unless Filed Within Five Years After Limited Liability Company Dissolved.

a. A claimant, and all those claiming through or under the claimant, shall be forever barred from suing a member or transferee on any claim, or otherwise realizing upon or enforcing any claim against a member or transferee, unless an action is commenced against the member or transferee, pursuant to paragraph (2) of subsection d. of section 51 of this act, or otherwise, within five years after the limited liability company was dissolved.

b. This section shall not:

(1) apply to claims against members or transferees which are in litigation on the effective date of this section;

(2) operate to extend any otherwise applicable statute of limitations; or

(3) affect any rights of creditors under the "Uniform Voidable Transactions Act," R.S.25:2-20 et seq.

22. Section 5 of P.L.2003, c.120 (C.52:27BBB-70) is amended to read as follows:

C.52:27BBB-70 Authority to enter into sale agreements.

5. a. Authority to Enter into Sale Agreements. A qualified municipality may sell to the corporation, and the corporation may purchase, for cash or other consideration and in one or more installments, all or a portion of the tax liens pursuant to the terms of one or more sale agreements. Any sale agreement shall provide, among other matters, the purchase price payable by the corporation to a qualified municipality for the tax liens, which amount may be more or less than the face amount of the tax liens purchased by the corporation, and may include the residual interests, if any. The sale agreement may require a qualified municipality to repurchase a tax lien, or to substitute another tax lien of equivalent value, under conditions to be specified in the sale agreement. The sale agreement may provide that a qualified municipality shall be obligated to sell to the corporation subsequent tax liens encumbering the property encumbered by the tax liens originally sold and remaining unpaid on such terms as the corporation deems desirable. Any sale shall be conducted pursuant to one or more sale agreements that may

contain such terms and conditions deemed appropriate by a qualified municipality to carry out and effectuate the purposes of this section, including, without limitation, covenants binding the qualified municipality in favor of the corporation and its assignees, including, without limitation, the owners of its securities and benefitted parties; a provision authorizing inclusion of the State's pledge and agreement, as set forth in section 10 of this act, in any agreement with owners of the securities or any benefitted parties; and covenants with respect to the application and use of the proceeds of the sale of the qualified municipality's tax liens to preserve the tax exemption of the interest on any securities, if issued as tax exempt. A qualified municipality in any sale agreement may agree to, and the corporation may provide for, the assignment of the corporation's right, title and interest under the sale agreement for the benefit and security of the owners of securities and benefitted parties. The residual interest shall be uncertificated.

Notwithstanding that the corporation is hereby constituted an instrumentality of the State, all of the residual interests arising upon the transfer of a qualified municipality's tax liens to the corporation shall be the property of and vest in such qualified municipality and all of the economic avails and benefits of such residual interests, including, but not limited to, the income attributable to and accruing with respect to such interests from time to time, shall accrue to and inure to the benefit of such qualified municipality.

b. True Sale. Any sale of tax liens to the corporation pursuant to a sale agreement shall constitute a true sale and absolute transfer of the property so transferred and not a pledge or a grant of a security interest for any borrowing. The characterization of a sale as an absolute transfer by the participants shall not be negated or adversely affected by the fact that only a portion of a qualified municipality's tax liens is transferred, nor by the acquisition or retention by a qualified municipality of a residual interest, nor by the characterization of the corporation or its obligations for purposes of accounting, taxation or securities regulation, nor by any actual pledge, assignment or grant of a security interest in the tax liens and any proceeds of the tax liens, nor by any other factor whatsoever.

c. Qualified Municipality to Notify Collector. On and after the effective date of each sale of tax liens, a qualified municipality shall have no right, title or interest in or to the tax liens sold, and the tax liens so sold shall be property of the corporation and not of the qualified municipality, and shall be owned and held by the corporation and not the qualified municipality. On or before the effective date of any sale, the qualified municipality shall notify the collector that the tax liens have been sold to the corporation and irrevocably instruct the collector that, subsequent to the effective date of the sale,

it shall pay over to the corporation or its designee within two days of its receipt any payments made on the transferred tax liens for the benefit of the owners of the securities and benefitted parties.

d. **No Right to Cancel, Reduce or Compromise.** Notwithstanding any other law to the contrary, a qualified municipality shall not have any right to cancel, reduce or compromise any taxes, penalties or interest secured by a tax lien sold pursuant to this act or extend the time for payment thereof. A qualified municipality may not waive any penalties and interest on a tax lien that has been sold pursuant to this act.

e. **Sale by Assignment.** A qualified municipality's sale of tax liens to the corporation shall be made by assignment. The certificates of sale may be assigned separately or in bulk with other such certificates. Upon such assignment, the qualified municipality shall promptly deliver such certificates to the corporation or its designee.

f. **Recording.** Any and all further or additional assignments of the tax sale certificates shall promptly be recorded in the office of the county clerk or the register of deeds and mortgages, as the case may be, of the county where the real property is located, and a photocopy of the recorded assignment shall be served upon the collector by certified mail, return receipt requested. When assignments have not been recorded and served upon the collector, the collector shall be held harmless for the payment of any redemption amounts to the holder of the certificate of sale as appears on the records of the collector. All assignments must be submitted to the office of the county clerk or register of deeds and mortgages for recording within 90 days of the sale by assignment.

g. **Presumptive Evidence.** The certificate of sale shall be presumptive evidence in all courts in all proceedings by and against the corporation of the truth of the statements therein, of the title of the corporation in the transferred tax liens, and the regularity and validity of all proceedings had in reference to the sale. After six months from the recording of the certificate of sale, no evidence shall be admitted in any court to rebut the presumption that the lien purported to be transferred by the certificate of sale is a valid and enforceable lien, unless the corporation shall have procured it by fraud, or had previous knowledge that it was fraudulently made or procured.

h. **Destruction or Loss of a Certificate.** In case of the destruction or loss of a certificate of sale issued by a qualified municipality, the corporation shall present an affidavit of destroyed or lost certificate to the collector, and the collector shall then issue and execute a new certificate of sale in place of the one destroyed or lost. There shall appear on the new certificate a statement that it is a duplicate of the original certificate of sale that was destroyed

or lost, the date of the original certificate, the date of the tax sale of the original certificate, the date the original certificate was issued and the name and title of the officer who issued the original certificate.

i. Duplicate Certificate and Time Limit to Redeem. The time limit within which the right to redeem from any tax sale in which a duplicate certificate has been issued shall be the same as though the original certificate had not been destroyed or lost.

j. Amount Required for Redemption. Any person having a legal and beneficial interest in the property affected by a certificate of sale acquired by the corporation may satisfy the outstanding lien on the property at any time upon payment to the collector of all sums due with respect to such certificate and for subsequent taxes, municipal liens and charges, and interest and costs thereon, together with interest on the amounts so paid at the rate or rates chargeable by the qualified municipality.

k. Cancellation of Certificate Upon Redemption. Upon satisfaction of a tax lien, the redeeming party shall be entitled to have, upon demand, the certificate of sale, duly receipted for cancellation, or a certificate of redemption thereof, duly executed, stating that said certificate of sale may be canceled of record in the manner prescribed by law.

l. Duties Upon Redemption. The collector, on receiving payment as set forth in subsection j. of this section from a redeeming party, shall confirm with the corporation that such payment constitutes a payment in full. Upon such confirmation, the collector shall execute and deliver to the redeeming party a certificate of redemption which may be recorded with the county clerk or register of deeds and mortgages, as appropriate. The county clerk or register of deeds and mortgages, as appropriate, shall, on request, note on the record of the original certificate of sale a reference to the record of the certificate of redemption, and shall be entitled to the same fees as provided for the cancellation of a mortgage, or, at the option of the redeeming party, the collector shall request the corporation to deliver to it the certificate of sale and in turn, the collector shall deliver to the redeeming party the certificate of sale receipted for cancellation by endorsement in the same manner required by the law of the State to satisfy or cancel a mortgage, whereupon the record of the certificate of sale shall be canceled by the county clerk or register of deeds and mortgages in the same manner and for the same fees as in the case of a mortgage.

m. Installment Agreements. If the corporation holds a certificate of sale, it shall be entitled in its own name or in the name of its duly authorized representative to enter into installment agreements with the related taxpayers as if it were a municipality acting pursuant to Title 54 of the Revised Statutes

and on such terms as the corporation deems desirable; provided, however, that the payment of the total sum due the corporation on any one parcel shall be made in substantially equal monthly installments, over a period not exceeding five years.

n. Filing of Installment Agreements. The installment agreement must be in writing and filed with the collector where the property is located. Upon due execution of the installment agreement the corporation shall forward a true copy of the agreement to the collector's office.

o. Foreclosure. When the corporation is the purchaser or assignee of a certificate of sale, the corporation, or its assignee or transferee, may, in its own name or in the name of its duly authorized representative, at any time after the expiration of the term of six months from the issuance of the certificate of sale, institute a procedure to foreclose the right of redemption. The corporation shall be entitled to foreclose the tax lien or liens evidenced thereby in the manner provided by the law for the foreclosure of tax liens as if it were a municipality. In connection with the enforcement of a tax lien, all statutory references to a municipality acting pursuant to the provisions of Title 54 of the Revised Statutes shall be deemed to refer to the corporation, and all references to actions to be taken by an officer of the municipality shall be deemed to refer to an appropriate officer or duly authorized representative of the corporation.

p. Jurisdiction of Court. The Superior Court, in a procedure to foreclose the right of redemption, may give full and complete relief under this act, in accordance with other statutory authority of the court, to bar the right of redemption and to foreclose all prior or subsequent alienations and descents of the lands and encumbrances thereon, except subsequent municipal liens, and to adjudge an absolute and indefeasible estate of inheritance in fee simple, to be vested in the purchaser or assignee. The judgment shall be final upon the defendants, their heirs, devisees and personal representatives, and any of their heirs, devisees, executors, administrators, grantees, assigns or successors in right, title or interest and no application shall be entertained to reopen the judgment after the date thereof, and then only upon the grounds of lack of jurisdiction or fraud in the conduct of the suit. The judgment and recording thereof shall not be deemed a sale, transfer, or conveyance of title or interest to the subject property under the provisions of the "Uniform Voidable Transactions Act," R.S.25:2-20 et seq.

In the event that any federal statute or regulation requires a judicial sale of the property in order to debar and foreclose a mortgage interest or any other lien held by the United States or any agency or instrumentality thereof, then the tax lien may be foreclosed in the same manner as a mortgage, and

the final judgment shall provide for the issuance of a writ of execution to the sheriff of the county wherein the property is situated and the holding of a judicial sale as in the manner of the foreclosure of a mortgage.

q. Conflict. In connection with the foreclosure of the right of redemption, in the event of any conflict between this act and any other law relating to the foreclosure of the right of redemption, this act shall be given precedence over the other law or laws.

r. Recovery of Fees and Expenses. To the extent permitted by law, in connection with the foreclosure of tax liens, the corporation or its designee shall have the right to recover attorneys' fees and disbursements incurred relating to the foreclosure at the time such fees and disbursements are incurred, together with the expenses of the sale.

s. Evidence of Payments of Subsequent Tax Liens at Foreclosure. Notwithstanding R.S.54:5-99, in connection with the foreclosure of tax liens, the corporation or its designee shall produce evidence that all subsequent tax liens on the related land have been paid in full at the time a foreclosure judgment shall be entered. The evidence shall not be required to be produced at the commencement of a foreclosure procedure.

23. R.S.54:5-87 is amended to read as follows:

Jurisdiction of court; effect of judgment.

54:5-87. The Superior Court, in an action to foreclose the right of redemption, may give full and complete relief under this chapter, in accordance with other statutory authority of the court, to bar the right of redemption and to foreclose all prior or subsequent alienations and descents of the lands and encumbrances thereon, except subsequent municipal liens, and to adjudge an absolute and indefeasible estate of inheritance in fee simple, to be vested in the purchaser. The judgment shall be final upon the defendants, their heirs, devisees and personal representatives, and their or any of their heirs, devisees, executors, administrators, grantees, assigns or successors in right, title or interest and no application shall be entertained to reopen the judgment after three months from the date thereof, and then only upon the grounds of lack of jurisdiction or fraud in the conduct of the suit. Such judgment and recording thereof shall not be deemed a sale, transfer, or conveyance of title or interest to the subject property under the provisions of the "Uniform Voidable Transactions Act," R.S.25:2-20 et seq.

In the event that any federal statute or regulation requires a judicial sale of the property in order to debar and foreclose a mortgage interest or any other lien held by the United States or any agency or instrumentality thereof, then the tax lien may be foreclosed in the same manner as a mortgage, and

the final judgment shall provide for the issuance of a writ of execution to the sheriff of the county wherein the property is situated and the holding of a judicial sale as in the manner of the foreclosure of a mortgage.

24. R.S.54:5-104 is amended to read as follows:

Judgment bars redemption only in lands described therein.

54:5-104. When in a judgment in an action to foreclose the right of redemption, the lands are described in a manner other than that contained in the certificate of tax sale, the judgment shall bar the defendant's right of redemption in and to all the lands described in the judgment, and that property only. Such judgment and recording thereof shall not be deemed a sale, transfer, or conveyance of title or interest to the subject property under the provisions of the "Uniform Voidable Transactions Act," R.S.25:2-20 et seq.

25. Section 4 of P.L.1948, c.96 (C.54:5-104.32) is amended to read as follows:

C.54:5-104.32 In rem proceedings.

4. Any municipality or abandoned property certificate holder may proceed, In Rem, pursuant to the provisions of the In Rem Tax Foreclosure Act (1948), P.L.1948, c.96 (C.54:5-104.29 et seq.), similarly to bar rights of redemption, after said certificate has been recorded in the office of the county recording officer. Neither the foreclosure nor the recording of any such judgment or certificate shall be construed to be a sale, transfer, or conveyance of title or interest to the subject property under the provisions of the "Uniform Voidable Transactions Act," R.S.25:2-20 et seq.

26. Section 37 of P.L.1948, c.96 (C.54:5-104.65) is amended to read as follows:

C.54:5-104.65 Effect of recording judgment.

37. Upon the recording of a certified copy of such judgment in the office of the county recording officer, the plaintiff shall be seized of an estate in fee simple, in the lands described therein, absolute and free and clear of all liens and encumbrances, in accordance with the terms of said judgment. Neither the foreclosure nor the recording of any such judgment or certificate shall be construed to be a sale, transfer or conveyance of title or interest to the subject property under the provisions of the "Uniform Voidable Transactions Act," R.S.25:2-20 et seq.

27. R.S.25:2-1 is amended to read as follows:

Conveyances of personal property in trust for use of persons making them void as to creditors.

25:2-1. Conveyances of personal property in trust for use of persons making them void as to creditors.

a. Except as provided in subsection b. of this section, every deed of gift and every conveyance, transfer and assignment of goods, chattels or things in action, made in trust for the use of the person making the same, shall be void as against creditors.

b. Notwithstanding the provisions of any other law to the contrary, any property held in a qualifying trust and any distributions from a qualifying trust, regardless of the distribution plan elected for the qualifying trust, shall be exempt from all claims of creditors and shall be excluded from an estate in bankruptcy, except that:

(1) no exemption shall be allowed for any preferences or fraudulent conveyances made in violation of the "Uniform Voidable Transactions Act," R.S.25:2-20 et seq., or any other State or federal law;

(2) no qualifying trust shall be exempt from the claims under any order for child support or spousal support or of an alternate payee under a qualified domestic relations order. However, the interest of any alternate payee under a qualified domestic relations order is exempt from all claims of any creditor of the alternate payee. As used in this paragraph, the terms "alternate payee" and "qualified domestic relations order" have the meanings ascribed to them in section 414(p) of the federal Internal Revenue Code of 1986 (26 U.S.C. s.414(p)); and

(3) no qualifying trust shall be exempt from any punitive damages awarded in a civil action arising from manslaughter or murder.

For purposes of this section, a "qualifying trust" means a trust created or qualified and maintained pursuant to federal law, including, but not limited to, section 401, 403, 408, 408A, 409, 529 or 530 of the federal Internal Revenue Code of 1986 (26 U.S.C. s.401, 403, 408, 408A, 409, 529 or 530).

Repealer.

28. R.S.25:2-2 through R.S.25:2-6 are repealed.

29. This act shall take effect on the 90th day following enactment.

This act shall apply to a transfer made or obligation incurred on or after its effective date. This act shall not apply to a transfer made or obligation incurred before its effective date. This act shall not apply to a right of action

that has accrued before its effective date. For the foregoing purposes, a transfer is made and an obligation is incurred at the time provided in R.S.25:2-28.

Approved May 12, 2021.

CHAPTER 93

AN ACT concerning applications for the Supplemental Nutrition Assistance Program and supplementing Title 44 of the Revised Statutes.

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

C.44:10-81.2 SNAP application process technologically upgraded.

1. a. Consistent with federal law, the Commissioner of Human Services shall permit applicants for the Supplemental Nutrition Assistance Program, established pursuant to the "Food and Nutrition Act of 2008," Pub.L. 110-246 (7 U.S.C.s.2011 et seq.), to apply by phone.

b. The commissioner shall:

(1) consult with county welfare agencies and county boards of social services to create an electronic record information processing system to process telephonic applications submitted for the Supplemental Nutrition Assistance Program pursuant to subsection a. of this section, and ensure the system is in compliance with federal standards; and

(2) apply and receive approval for such waivers as may be necessary to implement the provisions of this section.

2. This act shall take effect 180 days after the date of enactment.

Approved May 12, 2021.

CHAPTER 94

AN ACT concerning professional and occupational licenses for certain out-of-State individuals, and supplementing P.L.1999, c.403 (C.45:1-7.1 et seq.).

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

C.45:1-7.10 Expedited licensure in mental health professions, certain, during state of emergency, public health emergency.

1. a. Notwithstanding the provisions of any other law, rule or regulation to the contrary, during a state of emergency declared by the Governor pursuant to P.L.1942, c.251 (C.App.A:9-33 et seq.), or a public health emergency declared by the Governor pursuant to P.L.2005, c.222 (C.26:13-1 et seq.), and with the approval of the Attorney General, a professional licensing board regulating a mental health profession within the Division of Consumer Affairs in the Department of Law and Public Safety or, with regard to mental health professions regulated by the division, the director of the division, as applicable, may grant a temporary license, certificate of registration or certification on an expedited basis to a recent graduate in New Jersey or another state who earned a master's degree or higher from a program in New Jersey or another state that is intended to lead to a career in a mental health profession and is not yet licensed, registered or certified to practice the mental health profession in any jurisdiction. Notwithstanding the provisions of any other law, rule or regulation to the contrary, and to effectuate the purposes of this act, the director may take additional action necessary to protect the public health, safety and welfare, including but not limited to the following:

(1) Grant a temporary license, certificate of registration or certification pending the results of a criminal history record background check;

(2) Temporarily waive any licensing, registration or certification fees;

(3) Temporarily waive any examination required for licensing, registration, or certification; or

(4) Temporarily waive any other requirements contained in Title 45 or other applicable law.

b. An individual issued a temporary license, certificate of registration or certification pursuant to this act shall be:

(1) issued a temporary license, certificate of registration or certification, as applicable, to provide services with an expiration date marked clearly and conspicuously; and

(2) supervised by an individual holding a New Jersey-issued license, certificate of registration or certification, in good standing, in the same profession in which the out-of-State individual is to provide services.

c. Upon the Governor's lifting of the state of emergency or public health emergency during which a temporary license, certificate of registration or certification was issued to an individual pursuant to this act to practice a mental health profession, or when the temporary license, certificate of registration or certification expires, whichever is sooner, and if the individual intends to remain in New Jersey and practice the mental health profession for which the

individual was issued a temporary license, certificate of registration or certification, the individual may apply for a full license, certificate of registration or certification to the requisite licensing board or director, as applicable.

d. At the discretion of the board or the director, as applicable, an individual issued a temporary license, certificate of registration or certification pursuant to this act shall be allowed to apply the experience gained in providing services during the state of emergency or public health emergency to a requirement for experience when applying for full professional licensure, registration or certification to the requisite professional board or, for certain mental health professions regulated by the Division of Consumer Affairs, the director.

e. The Division of Consumer Affairs shall be authorized to impose program requirements that are not inconsistent with the provisions of this section.

f. The exercise of the authority provided in this section to grant a temporary license, certificate of registration, or certification on an expedited basis or to take any other action necessary to protect the public health, safety, and welfare shall not be required to comply with the requirements of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

g. As used in this act:

"Mental health profession" means a profession licensed by the Alcohol and Drug Counselor Committee; the State Board of Creative Arts and Activities Therapies; the State Board of Marriage and Family Therapy Examiners; the State Board of Medical Examiners; the Professional Counselor Examiners Committee; the Certified Psychoanalysts Advisory Committee; the State Board of Psychological Examiners; the State Board of Social Work Examiners; the New Jersey Board of Nursing and any other entity created hereafter under Title 45 to license or otherwise regulate a mental health profession.

2. This act shall take effect immediately.

Approved May 12, 2021.

CHAPTER 95

AN ACT concerning nursing homes, amending P.L.1987, c.322, and supplementing Title 26 of the Revised Statutes.

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

1. Section 1 of P.L.1987, c.322 (C.26:2H-7.2) is amended to read as follows:

C.26:2H-7.2 Exemption from certificate of need.

1. Notwithstanding the provisions of section 7 of P.L.1971, c.136 (C.26:2H-7) to the contrary, a nursing home which proposes to increase the total number of licensed beds contained therein by not more than 10 beds or 10% of its licensed bed capacity, whichever is less, within a period of five years is exempt from the requirement of obtaining a certificate of need if the nursing home is in compliance with all State regulations governing its operations. No licensed bed that is added by a nursing home in accordance with the requirements of this section, and no licensed bed that is part of an unimplemented certificate of need, may be sold or transferred to any other nursing home except upon application for and receipt of a certificate of need as provided by P.L.1971, c.136 (C.26:2H-1 et seq.). A nursing home that has removed beds from its license within the preceding five years shall not be eligible to increase its licensed bed capacity under the provisions of this section.

C.26:2H-7.25 Application prior to transferring ownership of a nursing home.

2. a. Prior to transferring ownership of a nursing home, the prospective new owner shall submit an application to the Department of Health that meets the requirements of section 3 of this act. The application shall include the following items:

- (1) the transfer of ownership fee established by the department;
- (2) a cover letter stating the applicant's intent to purchase the nursing home, and identification of the nursing home by name, address, county, and number and type of licensed beds;
- (3) a description of the proposed transaction, including:
 - (a) identification of the current owners of the nursing home;
 - (b) identification of 100 percent of the proposed new owners, including the names and addresses of all principals and interested parties; and
 - (c) if applicable, a copy of an organizational chart, including parent corporations and wholly-owned subsidiaries; and
- (4) a copy of the agreement of sale and, if applicable, a copy of any lease and management agreements.

The applicant may additionally submit a summary of the application materials that includes such details concerning the application as are required by the department, but that omits any proprietary information in the contracts for the sale or management of the nursing home, and any home addresses, social security numbers, or other personal information of any proposed

owner, principal, or interested party. A summary prepared by the applicant may only be used for the purposes of posting information concerning the application on the department's Internet website pursuant to paragraph (1) of subsection d. of this section.

b. Information submitted pursuant to subsection a. of this section or subsection a. of section 3 of this act by an applicant for transfer of ownership of a nursing home shall not be used in any adverse licensure action or disciplinary action against the applicant.

c. Approval of a transfer of ownership of a nursing home is contingent upon:

(1) a review of the applicant's history of disciplinary actions assessed in connection with any other facility owned, operated, or managed by the proposed owners and principals in New Jersey, and a determination based on that review that approval of the transfer of ownership will not present a material risk to the health, safety, or welfare of residents of the nursing home that is the subject of the transfer application; and

(2) payment of all outstanding and issued Medicaid audit claims and State penalties issued by the department against the current owner, unless such claims remain under appeal, in which case, if the claim remains under appeal, the applicant shall submit written verification that either the applicant or the current owners of the nursing home will assume responsibility for payment of such audit recoveries and State penalties at the conclusion of the appeal.

d. (1) A copy of each transfer of ownership application, or a summary of the application prepared by the applicant that includes the names of the proposed owners, principals, and interested parties, shall be published on the department's Internet website no later than 30 days after the date the department receives the application; provided that the department shall redact the materials to the extent necessary to ensure that no proprietary information in the contracts for the sale or management of the nursing home, and no home addresses, social security numbers, or other personal information of any proposed owner, principal, or interested party, is included in the materials published on the department's Internet website.

(2) Each application for the transfer of ownership of a nursing home shall be subject to a public comment period that shall commence not less than 30 days after the date the application is received by the department, and which comment period shall remain open for a period of not less than 30 days. The department shall establish a procedure for acknowledging receipt of public comments submitted. The text of comments submitted on a transfer of own-

ership application shall not be published on the department's Internet website, but shall be considered a government record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

e. The Department shall complete review of any transfer of ownership application submitted pursuant to subsection a. of this section no later than 120 days after the date the application is received. If a transfer of ownership application has been reviewed and deemed acceptable, the department shall send an approval letter to the applicant.

f. Within five days after the transaction has been completed, the applicant shall submit to the department certification of closing from an attorney or a notarized letter from the applicant stating the date on which the transaction occurred, along with an executed bill of sale or assignment. To facilitate the timely transfer of Medicare and Medicaid provider numbers, the department shall issue the new license to the applicant no later than 30 days after the date the notice is received by the department.

g. No nursing home may delegate substantial management control of the nursing home's operations to a third party entity without providing prior written notice to the department. The notice provided by the owners of the facility to the department shall include:

- (1) a copy of the management agreement;
- (2) an organizational chart of the third party entity's proposed management team for the nursing home;
- (3) the names and addresses of all owners, principals, and interested parties of the third party entity; and
- (4) a list of any other licensed health care facilities owned, operated, or managed by the third party entity in any state or territory of the United States or in the District of Columbia for the preceding three years, along with owner-certified financial statements for each such facility for the last three years during which the facility was owned, operated, or managed by the third party entity. If the third party entity owned, operated, or managed facilities located outside New Jersey in the preceding three years, the application shall include disclosures by the third party entity of any enforcement actions imposed during that period of time against any facility owned, operated, or managed by the third party entity in any jurisdiction.

h. (1) Upon request by the Commissioner of Health and subject to the provisions of P.L.1968, c.266 (C.52:9M-1 et seq.), the State Commission of Investigation shall undertake an investigation of one or more nursing homes in the State or the entities owning, operating, or managing one or more nursing homes in the State, provided that, if the commission determines that the request for an investigation from the Commissioner of Health exceeds the commission's capacity to

perform such investigations, the commission may advise the Commissioner of Health as to any requests upon which it finds itself unable to proceed. The State Commission of Investigation may, at any time, submit to the Governor, the Commissioners of Health and Human Services, and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature, recommendations for administrative or legislative action to improve oversight and transparency in nursing homes.

(2) The State Auditor shall undertake a review of the oversight of nursing homes by the Department of Health and the Department of Human Services at least once every three years, with particular focus on compliance with federal inspection requirements, responses to complaints and response times in reviewing complaints, and actions taken to follow up on violations affecting the health, safety, or welfare of residents.

i. As used in sections 2 through 4 of this act:

“Interested party” means any individual or entity with an interest of one percent or more but less than five percent in an applicant to receive a transfer of ownership of a nursing home or the land or other real property on which a nursing home is located.

“Principal” means any individual or entity with an interest of five percent or more in an applicant to receive a transfer of ownership of a nursing home or the land or real property on which a nursing home is located.

C.26:2H-7.26 Requirements of transfer of ownership application.

3. a. A transfer of ownership application submitted to the Department of Health pursuant to subsection a. of section 2 of this act shall meet the following requirements:

(1) In the case of an application to transfer controlling interest in a nursing home to an individual or entity that has never previously owned or operated a licensed health care facility in New Jersey, or for any application to transfer controlling interest in a nursing home that is submitted within six months after a prior application for transfer of controlling interest in the nursing home was approved, the applicant shall:

(a) submit a projection of profits and losses for the next three years and a capital budget projection for the next three years;

(b) disclose any licensed health care facilities owned, operated, or managed by the proposed owners and principals in any state or territory of the United States or in the District of Columbia in the preceding three years, along with owner-certified financial statements for each such facility for the last three years during which the facility was owned, operated, or managed

by the owner or principal and disclosures by the applicant as to any enforcement actions imposed during that period of time against any facility owned, operated, or managed by the applicant in any jurisdiction;

(c) hold a public hearing on the application no earlier than 30 days after the date the application is received by the department. Notice of the public hearing shall be published at least seven days in advance of the public hearing on the Internet websites of the department, the nursing home, and the applicant, as well as in at least one newspaper published in each county, if any newspapers are published therein. The nursing home shall invite the Attorney General and the Commissioner of Health, or their designated representatives, to attend the hearing. The transfer of ownership application may not be approved until after the public hearing is completed; and

(d) consistent with the requirements of subsection b. of this section, submit to a criminal history record background check of each proposed owner and principal;

(2) In the case of an application to transfer controlling interest in a nursing home to an individual or entity that has previously owned or operated a licensed health care facility in New Jersey, the applicant shall:

(a) submit a projection of profits and losses for the next three years and a capital budget projection for the next three years; and

(b) disclose any licensed health care facilities owned, operated, or managed by the proposed owners and principals in any state or territory of the United States or in the District of Columbia in the preceding year, along with owner-certified financial statements for each facility owned, operated, or managed by the proposed owners and principals in New Jersey for the last year during which the facility was owned, operated, or managed by owner or principal;

(3) In the case of an application to transfer less than a controlling interest in a nursing home to an individual or entity that has never previously owned or operated a licensed health care facility in New Jersey, the applicant shall:

(a) disclose any licensed health care facilities owned, operated, or managed by the proposed owners and principals in any state or territory of the United States or in the District of Columbia in the preceding year and any enforcement actions imposed during the preceding year against any facility owned, operated, or managed by the applicant in any jurisdiction; and

(b) consistent with the requirements of subsection b. of this section, submit to a criminal history record background check of each proposed owner and principal; and

(4) In the case of an application to transfer less than a controlling interest in a nursing home to an individual or entity that has previously owned or

operated a licensed health care facility in New Jersey, the applicant shall disclose any licensed health care facilities owned, operated, or managed by the proposed owners and principals in any state or territory of the United States or in the District of Columbia in the preceding year and any enforcement actions imposed during the preceding year against any facility owned, operated, or managed by the applicant in any jurisdiction.

b. (1) An applicant for a transfer of ownership of a nursing home who is required to complete a criminal history record background check pursuant to subsection a. of this section shall submit to being fingerprinted in accordance with applicable State and federal laws, rules, and regulations. An applicant shall bear the cost for the criminal history record background check, including all costs of administering and processing the check.

(2) For the purposes of subsection a. of this section, the department is authorized to exchange fingerprint data with and receive criminal history record background information from the Division of State Police and the Federal Bureau of Investigation consistent with the provisions of applicable federal and State laws, rules, and regulations. Upon receipt of such notification, the department shall make a determination as to whether transferring all or part of the ownership of a nursing home to the applicant would constitute a material risk to the health, safety, or welfare of residents of the nursing home, which shall include determining whether any owner or principal has a prior conviction involving fraud or any other criminal offense of a financial nature, or a prior conviction that may bear on the health and safety of residents of a long-term care facility, including, but not limited to, a prior conviction involving abuse, neglect, or exploitation of any person.

(3) The Division of State Police shall promptly notify the department in the event that an individual who was the subject of a criminal history record background check conducted pursuant to subsection a. of this section is convicted of a crime or offense in this State after the date the background check was performed. Upon receipt of that notification, the department shall make a determination regarding the continued eligibility for the individual to be an owner or principal of a nursing home.

C.26:2H-7.27 Notice to departments prior to selling, transferring ownership.

4. a. Prior to selling or transferring ownership of the land or other real property on which a nursing home is located, the prospective new owner shall submit notice to the Department of Health and the Department of Human Services, which notice shall include the following items:

(1) the sale or transfer of real property fee established by the Department of Health;

(2) a cover letter stating the applicant's intent to purchase the land or other real property on which a nursing home is located, and identification of the nursing home by name, address, and county;

(3) a description of the proposed transaction, including:

(a) identification of the current owners of the land or other real property on which a nursing home is located;

(b) identification of 100 percent of the proposed new owners, including the names and addresses of all principals and interested parties; and

(c) if applicable, a copy of an organizational chart, including parent corporations and wholly-owned subsidiaries;

(4) a copy of the agreement of sale or transfer, the proposed terms of the lease, rent, or use agreement with the nursing home and, if applicable, a copy of any management agreements; and

(5) an attestation by the new owners of the land or other real property that they will lease, rent, or authorize use of the land or other real property by the nursing home at a rate that is consistent with the fair market value for the lease, rent, or use of similar facilities in the same market area.

b. A summary of the notice submitted pursuant to subsection a. of this section, including the names of the prospective new owners, shall be made available on the Department of Health's Internet website.

c. Nursing homes shall report to the Department of Health their rates or average rates for the lease, rent, or use of land or other real property in a manner determined by the department. The department shall post the rates or average rates for the lease, rent, or use of land or other real property reported by nursing homes on its Internet website.

C.26:2H-42.1 Identification of nursing homes in financial distress, risk of bankruptcy.

5. The Department of Health shall as necessary, with assistance from the Department of Human Services, identify nursing homes that may be in acute financial distress or at risk of filing for bankruptcy protection by requiring each nursing home to report, within five business days, any default in the punctual payment when due of any: debt service payment where the debt is secured by real estate or assets of the nursing home; rent payment; payroll; or payroll tax obligation. The department may, as appropriate:

a. provide, at the nursing home's expense, or direct such nursing home to management support services and resources, as well as any other supports as may be necessary and appropriate to avoid bankruptcy proceedings or cessation of operations;

b. if the nursing homes does not take sufficient and timely action to avoid an impending bankruptcy or closure, and if the department finds the

bankruptcy or closure would have a significant adverse effect on the health, safety, and welfare of the residents of the nursing home or would leave the area in which the nursing home is located lacking sufficient nursing home services after assessing the need for and availability of other nursing home services in the area, initiate proceedings in a court of competent jurisdiction for the appointment of a receiver for the nursing home, which receiver shall have the powers and authorities conferred by the order of receivership, which may include, but shall not be limited to, the authority to:

(1) hire any consultants or to undertake any studies of the nursing home the receiver deems appropriate;

(2) make any repairs or improvements as are necessary to ensure the safety of nursing home residents and staff;

(3) hire or discharge any employees, including the administrator or manager of the nursing home;

(4) receive or expend in a reasonable and prudent manner the revenues of the nursing home due on the date of the entry of the order of receivership and to become due under such order;

(5) continue the business of the nursing home and the care of the residents of the nursing home in all its aspects;

(6) do all acts necessary or appropriate to conserve the property and promote the health, safety, and welfare of the residents of the nursing home; and

(7) exercise such other powers as the receiver deems necessary or appropriate to implement the court order; and

c. Take such other steps and actions as may be available to ensure continuity of care for, and the safety of, residents of the nursing home.

6. This act shall take effect 180 days after the date of enactment.

Approved May 12, 2021.

CHAPTER 96

AN ACT concerning certain functions and duties of the Board of Public Utilities and supplementing Title 48 of the Revised Statutes and amending R.S.48:2-40.

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

C.48:2-10.1 Definitions.

1. As used in sections 1 through 4 of P.L.2021, c.96 (C.48:2-10.1, C.48:2-10.2, C.48:2-32.8, and C.48:2-32.9):

“Board” means the Board of Public Utilities or any successor agency.

“Contested case” shall have the same meaning as provided in section 2 of P.L.1968, c.410 (C.52:14B-2).

“Emergency” means a period of time during which the Governor has declared the existence of a public health emergency, pursuant to section 3 of P.L.2005, c.222 (C.26:13-3), or a state of emergency, pursuant to P.L.1942, c.251 (C.App.A:9-33 et seq.).

“Policy matter” means a matter:

a. where the board conducts quasi-legislative proceedings that are informational, intended to provide a forum for the expression of public sentiment on a proposed agency action, or to examine broad policy issues affecting entire industries or large, undefined classes of people;

b. where the board has not established a proceeding; or

c. that is not the subject of a pending or impending contested case.

“Public document search system” or “search system” means the electronic public document search system established, maintained, and updated, as appropriate, by the board, through the board’s Internet website, pursuant to section 2 of P.L.2021, c.96 (C.48:2-10.2).

C.48:2-10.2 Electronic public document search system.

2. a. No later than 90 days after the effective date of P.L.2021, c.96 (C.48:2-10.1 et al.), the board shall establish, maintain, and update, as appropriate, an electronic public document search system, through the board’s Internet website, that shall allow users to obtain board proceeding documents and docket information online. The search system shall reflect all filings and comments made to the board, in electronic or in printed form, and shall provide for the managing and facilitating of public access to all filings, orders, notices, rulemakings, comments, or other board proceeding documents, as well as allow parties to electronically file these documents. The search system shall be subject to all of the following requirements:

(1) as soon as practicable, and not later than seven calendar days after a document is electronically filed with the board, the document shall be publicly accessible on the search system, unless a longer period of time is needed, as determined by the board, due to an emergency or to address confidentiality, other privacy claims, or digitization of non-electronic records;

(2) all documents on the search system shall be available to the public free of charge;

(3) any information within a document that is prohibited from public disclosure by law or board order shall be exempt from inclusion in the search system;

(4) all board-initiated documents shall be text-searchable and in a machine-readable format and the board shall encourage the filing of documents in text-searchable and machine-readable formats, which capabilities shall be preserved in the search system;

(5) to the extent practicable, external websites shall be able to link documents to the search system;

(6) the board shall provide access to all digital audio and visual files of board recordings when those files become available on its website, and shall explore the technical and financial practicality of including its recordings in the search system; and

(7) the search system shall provide a search function for public use.

b. In developing the search system, the board shall implement technology in order to improve security, data accessibility, affordability, and performance, and to minimize the burden on pro se litigants.

C.48:2-32.8 Advance notice of public meeting available on public document search system.

3. a. Notwithstanding the provision of written advance notice of at least 48 hours, but otherwise in conformity with the other provisions of the "Senator Byron M. Baer Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.), the Board of Public Utilities shall make available to the public on its public document search system, established pursuant to section 2 of P.L.2021, c.96 (C.48:2-10.2), advance notice of every public meeting conducted by the board five calendar days prior to the day of the meeting, unless a longer period of advance notice is required by law, pursuant to the "Senator Byron M. Baer Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.); provided, however, that nothing in this subsection shall prohibit the board from updating any meeting agenda or adding an agenda item or removing an agenda item, as well as providing an updated agenda within the five calendar day period, consistent with public transparency. The provisions of this subsection shall apply to every public board meeting, including any public comment meeting, as described in section 4 of P.L.2021, c.96 (C.48:2-32.9), regardless of the number of board members present at the meeting.

b. For every public meeting conducted by the Board of Public Utilities, as authorized by law, the board shall provide, in the advance notice of that public meeting, pursuant to subsection a. of this section, a description of any action that may be taken by the board under each listed agenda item in the notice.

C.48:2-32.9 Discussion with interested parties on policy matters.

4. a. Members of the Board of Public Utilities may engage in a discussion with interested parties on policy matters, which discussions shall not be considered prohibited ex parte communications; provided that nothing in this section shall alter the prohibition on ex parte communications between members and interested parties with regard to a contested case.

b. In order to increase transparency and accountability to the public, the board shall hold a public comment meeting at least once every three months in order to hear from the public and interested stakeholders on policy matters before the board, and such matters as the Legislature may from time to time designate. The public comment meeting shall meet all requirements of the "Senator Byron M. Baer Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.) and shall allow for oral or written statements by:

(1) any member of the public who is not a party pursuant to paragraph (2) of this subsection, on any topic germane to the interests of the board; and

(2) any party to a proceeding or party represented by counsel or a government affairs agent, on specific topics noticed by the board.

c. The board shall adopt, within 30 days of the effective date of P.L.2021, c.96 (C.48:2-10.1 et al.), written policies to govern the conduct of public comment meetings that shall maximize public engagement, provide annual notice of the scheduled dates for public comment meetings in accord with the "Senator Byron M. Baer Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.), allow for post-meeting written comments, and reasonably minimize the inadvertent discussion of pending or impending contested matters.

5. R.S.48:2-40 is amended to read as follows:

Issuance of order; effective dates; service; posting on Internet; rehearing.

48:2-40. a. A majority vote of the board shall be necessary to the issuance of an order.

b. (1) After the effective date of P.L.2011, c.63, the board shall issue every order in written form.

(2) If a matter is an emergency that affects public health and safety, the board may issue a temporary order on the matter orally, but shall within 14 days thereafter issue the order as a written order that does not differ substantively from the oral order. Any board order issued orally may be made effective immediately, but, regardless of its effective date, if that order is not issued in written form within 14 calendar days thereafter, or the written order

is substantively different from the oral order, the oral order shall be void and of no effect as of the 15th calendar day after its issuance.

c. The board shall issue any written order by filing a copy thereof with the board secretary. Every written order issued by the board shall be:

(1) served upon the person or public utility affected thereby within seven calendar days from its filing by personally delivering or by mailing a certified copy thereof in a sealed package with postage prepaid to the person affected or to an officer or agent of the public utility upon whom a summons may be served; and

(2) posted on its public document search system, established pursuant to section 2 of P.L.2021, c.96 (C.48:2-10.2), within seven calendar days from its filing.

d. All written orders of the board shall become effective upon service thereof or upon such dates after the service thereof as may be specified therein.

e. The board at any time may order a rehearing and extend, revoke, or modify an order made by it.

6. This act shall take effect on the 90th day after the date of enactment and the Board of Public Utilities may take any anticipatory administrative action in advance thereof as shall be necessary for the timely implementation of P.L.2021, c.96 (C.48:2-10.1 et al.).

Approved May 12, 2021.

CHAPTER 97

AN ACT requiring public and local utilities to provide notice of certain relief measures during the coronavirus disease 2019 pandemic.

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

1. a. A public utility and local utility shall notify, in a form and manner determined by the public utility and local utility, respectively, each of its residential customers of information and resources available to residential customers concerning public utility and local utility service and bill payment assistance during the coronavirus 2019 pandemic.

b. The notification shall include, but not be limited to, information concerning any:

- (1) moratorium in effect on the disconnection, discontinuance, or termination of public utility or local utility service;
- (2) deferred bill payment agreement program;
- (3) bill payment assistance program;
- (4) arrearage forgiveness program; and
- (5) moratorium in effect on rate increases or on the imposition of late fees, interest, or liens for late payments.

c. A public utility and local utility shall provide the notification required, pursuant to subsection a. of this section, monthly, in a form and manner determined by the Board of Public Utilities or Department of Community Affairs, as applicable, until 18 months after the date of the termination of Executive Order No. 103 of 2020, which authorized the State of Emergency in response to the coronavirus 2019 pandemic. For a municipality served by a public utility or local utility in which the primary language of 10 percent or more of the population is a language other than English, the public utility or local utility shall provide notification in that other language or languages for use by customers in that municipality. A public utility and local utility shall publish the required information prominently on its website.

d. Nothing in this section shall be construed to permit a local utility to establish or administer a bill payment assistance program not authorized by law.

e. As used in this section:

"Coronavirus 2019" means the coronavirus disease 2019, as announced by the World Health Organization on February 11, 2020, and first identified in Wuhan, China.

"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 municipal, county, or regional utility, authority, commission, special district, or other corporate entity, not regulated by the Board of Public Utilities, that provides electricity, gas, heat, power, sewer, or water service.

"Public utility" means a public utility, defined pursuant to R.S.48:2-13, providing electric, gas, sewer, or water service to residential customers.

2. This act shall take effect immediately.

Approved May 12, 2021.

CHAPTER 98

AN ACT concerning business interruption insurance and supplementing Title 17 of the Revised Statutes.

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

C.17:29AA-33 Publication of summary concerning business interruption insurance.

1. The Department of Banking and Insurance shall publish on its internet website, on or before the 90th day after the date of enactment of P.L.2021, c.98 (C.17:29AA-33 et al.), a one page summary of common insurance clauses concerning coverage for the loss of use and occupancy of a commercial property and business interruption that may be used in a commercial insurance policy. The summary shall:

- a. be developed through a public stakeholder process;
- b. be written in easily understandable language; and
- c. include:

- (1) information concerning common coverage triggers;
- (2) examples of perils typically covered;
- (3) a summary of common exclusions;
- (4) the following statement, in a prominent place in the summary: "Your policy may not cover pandemics or viruses";

- (5) the following statement: "Most business interruption insurance policies cover losses sustained due to a suspension of business where the suspension was caused by direct physical loss of or damage to property or the insured's premises, and where the loss or damage is caused by or results from a specified peril or covered cause of loss. For such policies, a government ordered shutdown may not trigger business interruption insurance coverage in the absence of physical damage to the insured property."; and

- (6) the following disclaimer: "This summary is not 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. This information is only provided as guidance to the policyholder in understanding the terms of the policy of insurance. You should consult your policy, agent and insurer if you have questions about your particular coverage."

C.17:29AA-34 Provision of summary by authorized insurer.

2. An authorized insurer shall provide the summary published pursuant to section 1 of P.L.2021, c.98 (C.17:29AA-33) to any potential purchaser of, or any policyholder seeking renewal of, a policy that provides coverage for the loss of use and occupancy of a commercial property and business interruption in this State with the application for the policy or renewal.

3. An authorized insurer that has issued a policy insuring against loss of use and occupancy of a commercial property and business interruption in this State that is in effect on the date the summary is published pursuant to section 1 of P.L.2021, c.98 (C.17:29AA-33), shall deliver the summary to each policyholder by written or electronic means before 90 days after the date the summary is published.

4. a. Sections 1 and 3 of this act shall take effect immediately. Section 2 of this act shall take effect on the 90th day following the date on which the summary is published pursuant to section 1 of this act.

b. This act shall expire on the 30th day after the effective date of any federal legislation or regulation that is determined by the Department of Banking and Insurance to be substantially similar to the provisions of this act.

Approved May 12, 2021.

CHAPTER 99

AN ACT permitting and validating municipal programs encouraging local shopping through municipal property tax rewards, supplementing Title 40 of the Revised Statutes, and amending R.S.54:4-65.

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

C.40:48K-1 Findings, declarations.

1. The Legislature finds and declares:

a. Commercial real property is a critically important component of a municipality's property tax base.

b. A flourishing downtown or commercial area provides not only a stable property tax base for a municipality, and property tax collections that do

not increase the burden on homeowners, but also a gathering place for municipal events and social interactions, which foster a strong sense of community between residents.

c. In a State with chronically high property taxes, credits or other rewards applied against property taxes and earned through purchasing goods or services in the local area serve as an effective incentive for shopping locally, and even participating customers living outside the municipality may earn rewards, which then can be used to pay property taxes in their own municipalities.

d. A thriving commercial district, particularly a walkable downtown, is appealing to families when they are looking for a municipality in which to establish their family home.

e. Especially in economically trying times, such as those visited upon the State in relation to the COVID-19 pandemic, it is critical to ensure local governments may adopt innovative stimulus initiatives to encourage municipal residents and residents of nearby communities, and employees of local businesses, to support local businesses by shopping locally, so that those business owners are able to earn enough income to support their families and keep their businesses open and prospering.

f. Ensuring municipalities may approve a program encouraging local shopping through property tax rewards, administered by an outside vendor or company, with financial protections for participants and municipalities, would benefit municipalities and individual business owners.

g. To date, many municipalities have adopted such programs. However, those existing programs may not offer specific financial protections to the municipalities that have authorized them, or the participants utilizing them.

h. Therefore, it is important and necessary to statutorily authorize such programs and provide financial protections for municipalities and program participants.

C.40:48K-2 Definitions.

2. a. As used in this section:

“Operator” means a private entity designated by a municipality to operate a property tax reward program.

“Participating business” means a business which has agreed to provide rewards to participating customers.

“Participating customer” means a person who has successfully registered with the operator of a property tax reward program to earn rewards under the program, using the process maintained by the operator.

“Reward” means the percentage of a total purchase price earned by a participating customer when that customer makes a purchase at a participating business.

“Reward card” means any physical or virtual card distributed by the operator or the municipality to a participating customer to facilitate the earning of rewards under the program.

“Reward earning period” means a consecutive 12-month period agreed to and stipulated by the governing body of the municipality and the operator.

b. (1) The governing body of a municipality, by resolution, may authorize a contract with a private entity to administer a property tax reward program for property owners in the municipality. The operator, or the municipality, or both, as provided by the contract, shall solicit participation in the program from businesses located in the municipality. Participation in the property tax reward program by businesses located in the municipality shall be voluntary. A business located outside the municipality may be included in the program as a participating business with the approval of the municipality. Each participating business shall determine, and shall inform the program operator of, the reward to be provided to participating customers.

(2) The authorization of a property tax reward program by the governing body of a municipality shall not make the governing body liable in any manner for any action taken by, or omission of an action that should have been taken by, the operator authorized by the governing body to administer the property tax reward program. Any financial irregularity committed by the operator in the administration of the program shall be the sole responsibility of the operator.

c. A property tax reward program created pursuant to this section shall allow participating customers to utilize the property tax reward program at no cost to themselves. A property tax reward program shall, at a minimum, provide to participating customers the ability to register for a reward card online, view a record of the customer’s past transactions that earned program rewards, and view the total amount of rewards earned. For a transaction to be eligible for a reward under the program, a participating customer shall use or display a reward card when making a purchase of goods or services from a participating business.

d. To participate in the property tax reward program, a business owner shall commit to pay the operator a percentage of a gross sale that qualifies as a transaction under the program, including any taxes or other associated tips or fees as charged to a participating customer, to serve as the reward, plus any separate administrative fee due to the operator. The amount of the annual

reward earned by a participating customer and credited pursuant to subsection f. of this section shall equal the total amount of all rewards earned by that participating customer during the reward earning period.

e. With the authorization of the governing body of the municipality, an operator may also enroll as a participating customer in the property tax reward program a person who is not a property owner in the municipality. The rewards earned by a participating customer described in this subsection shall be paid by the operator directly to that participating customer as soon as is practicable after the end of the rewards period.

f. Not later than June 1st annually, or a date agreed to by the governing body of the municipality and the operator, the operator shall provide to the municipal tax collector a list of participating customers who are property owners in the municipality, with the total amount of rewards earned by each property owner during the reward period, and shall transfer the corresponding amounts earned by those participating customers to the tax collector, to be credited against each participating customer's property tax bill. A participating customer who is not a property owner in the municipality shall receive rewards in a form agreed to by the governing body of the municipality and the operator.

g. All actions properly taken by the governing body of a municipality prior to the effective date of P.L.2021, c.99 (C.40:48K-1 et al.), to authorize the creation and operation of a property tax reward program in the municipality, are hereby ratified and affirmed as valid acts of the municipality.

3. R.S.54:4-65 is amended to read as follows:

Form and content of property tax bills.

54:4-65. a. The Director of the Division of Local Government Services in the Department of Community Affairs shall approve the form and content of property tax bills.

b. (1) Each tax bill shall have printed thereon a brief tabulation showing the distribution of the amount raised by taxation in the taxing district, in such form as to disclose the rate per \$100.00 of assessed valuation or the number of cents in each dollar paid by the taxpayer which is to be used for the payment of State school taxes, other State taxes, county taxes, local school expenditures, free public library taxes, and other local expenditures. The last named item may be further subdivided so as to show the amount for each of the several departments of the municipal government. In lieu of printing such information on the tax bill, any municipality may furnish the tabulation

required hereunder and any other pertinent information in a statement accompanying the mailing or delivery of the tax bill.

(2) When a parcel receives a homestead property tax credit pursuant to the provisions of P.L.2007, c.62 (C.18A:7F-37 et al.), the amount of the credit shall be included with the tax calculation as a reduction in the total tax calculation for the year. One-half of the amount of the credit shall be deducted from taxes otherwise due for the third installment and the remaining one-half shall be deducted from taxes otherwise due for the fourth installment.

(3) There shall be included on or with the tax bill the delinquent interest rate or rates to be charged and any end of year penalty that is authorized and any other such information that the director may require from time to time.

(4) In municipalities wherein a property tax reward program is operational, there shall be included on or with the tax bill the amount of the property tax reward as a credit against property taxes due and payable by a property owner who participates in the program. The property tax reward program shall be identified on the tax bill as the source of the property tax credit.

c. The tax bill shall also include a statement about the availability, on the Internet website of the Department of Community Affairs, of the amounts of State aid and assistance received by the municipality, school districts, special districts, free public libraries, county governments that offset property taxes that are otherwise due on each parcel, along with a statement about the availability, on the Internet website of the Division of Taxation in the Department of the Treasury, of a listing of, and eligibility requirements for, the various State property tax relief programs. The tax bill shall also include the links to the Internet websites of the Department of Community Affairs and the Division of Taxation containing this information. The director shall cause the amounts of said State aid and assistance that shall serve as the basis for the calculation for each parcel to be displayed on the Internet website of the Department of Community Affairs. The director shall set standards for the display of the statement on the tax bill.

d. The tax bill or form mailed with the tax bill shall include thereon the date upon which each installment is due.

e. If a property tax bill includes in its calculation a homestead property tax credit, the bill shall, in addition to the calculation showing taxes due, either display a notice concerning the credit on the face of the property tax bill or with a separate notice, with the content and wording as the director provides.

f. (1) At the sole discretion of the municipality, the tax bill may also include a statement listing the number and type of shared services entered into by the municipality, the dollar value of the savings to the municipality from each of those shared services, and a total amount of municipal savings resulting

from those shared services. The statement shall be in a format promulgated by the Director of the Division of Local Government Services in the Department of Community Affairs pursuant to paragraph (2) of this subsection.

(2) On or before the first day of the third month next following the enactment of P.L.2019, c.393, the Director of the Division of Local Government Services in the Department of Community Affairs shall promulgate the format for the shared services statement permitted to be placed on the tax bill by a municipality pursuant to paragraph (1) of this subsection.

C.40:48K-3 Report of irregularity.

4. The governing body of a municipality in which a rewards program has been authorized pursuant to section 2 of P.L.2021, c.99 (C.40:48K-2) shall report any irregularity, financial or otherwise, that it believes has occurred in the operator's administration of the program, to the Director of the Division of Local Government Services in the Department of Community Affairs, and to any other department or agency of State, county, or local government, as the governing body deems appropriate.

C.40:48K-4 Rules, regulations.

5. The Director of the Division of Local Government Services in the Department of Community Affairs, in consultation with the Director of the Division of Consumer Affairs in the Department of Law and Public Safety, shall promulgate, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations as may be necessary to effectuate the provisions of P.L.2021, c.99 (C.40:48K-1 et al.). The Director shall consider whether additional financial protections for participating customers and municipalities from unlawful or harmful actions or omissions by operators of property tax reward programs are necessary and appropriate.

6. This act shall take effect immediately.

Approved May 12, 2021.

CHAPTER 100

AN ACT concerning the use of alternate names by limited liability partnerships and amending P.L.2000, c.161.

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

1. Section 48 of P.L.2000, c.161 (C.42:1A-48) is amended to read as follows:

C.42:1A-48 Name, alternate name of limited liability partnership.

48. a. The name of a limited liability partnership shall end with "Registered Limited Liability Partnership", "Limited Liability Partnership", "R.L.L.P.", "L.L.P.", "RLLP," or "LLP".

b. No domestic limited liability partnership or foreign limited liability partnership which conducts activities in this State shall conduct any activities in this State using an alternate name, including an abbreviation of its name or an acronym unless the limited liability partnership:

(1) also uses its actual name in the transaction of any of its activities in a manner as not to be deceptive as to its actual identity; or

(2) has first registered the alternate name as provided in this section.

c. Any limited liability partnership may adopt and use any alternate name by filing an original and a copy of a certificate of registration of alternate name with the State Treasurer executed on behalf of the limited liability partnership. The certificate shall set forth:

(1) the name, jurisdiction and date of establishment of the limited liability partnership;

(2) the alternate name;

(3) a brief statement of the character or nature of the particular activities to be conducted using the alternate name including, but not limited to, the practice of professions requiring licensure or certification including, but not limited to, medicine, dentistry, podiatric medicine, dietetics, nutrition, psychoanalysis, counseling, social work, optometry, osteopathy, chiropractic, acupuncture, law, accounting, real estate brokerage or sales, private detective services, veterinary medicine, engineering, or architecture;

(4) that the limited liability partnership intends to use the alternate name in this State; and

(5) that the limited liability partnership has not previously used the alternate name in this State in violation of this section or, if it has, the month and year in which it commenced the use of the alternative name.

d. The registration shall be effective for five years from the date of filing and may be renewed successively for additional five-year periods by filing an original and a copy of the certificate of renewal executed on behalf of the limited liability partnership any time within 60 days prior to, but not later

than, the date of expiration of the registration. The certificate of renewal shall set forth the information required in subsection c. of this section, the date of the certificate of registration then in effect and shall confirm that the limited liability partnership is continuing to use the alternate name.

e. This section shall not:

(1) grant to the registrant of an alternate name any right in the name as against any prior or subsequent user of the name, regardless of whether used as a trademark, trade name, business name or corporate name;

(2) interfere with the power of any court to enjoin the use of the name on the basis of the law of unfair competition or on any other basis except the identity or similarity of the alternate name to any other corporate or limited liability partnership name;

(3) permit the use of an alternate name in violation of any applicable federal, state, or local statute, regulation, ordinance, or rule of professional conduct, responsibility or ethics governing any profession, service, or commercial activity, including but not limited to those governing medicine, dentistry, podiatric medicine, dietetics, nutrition, psychoanalysis, counseling, social work, optometry, osteopathy, chiropractic, acupuncture, law, accounting, real estate brokerage or sales, private detective services, veterinary medicine, engineering, or architecture; or

(4) repeal, modify, preempt, or otherwise affect the enforceability and validity of any state, or local statute, regulation, ordinance, or rule of professional conduct, responsibility or ethics governing any profession, service, or commercial activity, including but not limited to those governing medicine, dentistry, podiatric medicine, dietetics, nutrition, psychoanalysis, counseling, social work, optometry, osteopathy, chiropractic, acupuncture, law, accounting, real estate brokerage or sales, private detective services, veterinary medicine, engineering, or architecture.

f. A limited liability partnership which has used an alternate name in this State contrary to the provisions of this section shall, upon filing a certificate of registration of alternate name or an untimely certificate of renewal, pay to the State Treasurer the filing fee prescribed for the certificate plus an additional filing fee equal to the full amount of the regular filing fee multiplied by the number of years it has been using the alternate name in violation of this section after the operative date of the prohibitions of this section specified in subsection h. of this section. For the purpose of this subsection, any part of a year shall be considered a full year.

g. The failure of a limited liability partnership to file a certificate of registration or renewal of an alternate name shall not impair the validity of any contract or act of the limited liability partnership and shall not prevent

the limited liability partnership from defending any action or proceeding in any court of this State, but the limited liability partnership shall not maintain any action or proceeding in any court of this State arising out of a contract or act in which it used the alternate name until it has filed the certificate.

h. (1) A limited liability partnership which files a certificate of registration of alternate name which contains a false statement or omission regarding the date it first used an alternate name in this State shall, if the false statement or omission reduces the amount of the additional fee it paid or should have paid as provided in subsection f. of this section, forfeit to the State a penalty of not less than \$200 and not more than \$500.

(2) A limited liability partnership which is required to file a certificate of registration or renewal of alternate name and fails to do so within 60 days prior to, but not later than, the date of expiration of the registration or 90 days after having been notified by any person aggrieved by its failure to do so, shall forfeit to the State a penalty of not less than \$200 and not more than \$500.

(3) A penalty imposed under this section shall be recovered with costs in an action brought by the Attorney General. The court may proceed on the action in a summary manner.

2. This act shall take effect immediately.

Approved May 12, 2021.

CHAPTER 101

AN ACT concerning optometrists, amending R.S.45:12-1, and supplementing chapter 12 of Title 45 of the Revised Statutes.

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

1. R.S.45:12-1 is amended to read as follows:

Practice of optometry defined.

45:12-1. Optometry is hereby declared to be a profession, and the practice of optometry is defined to be the employment of objective or subjective means, or both, for the examination of the human eye and adnexae for the purposes of ascertaining any departure from the normal, measuring its powers of vision and

adapting lenses or prisms for the aid thereof, or the use and prescription of pharmaceutical agents, excluding injections, except for injections to counter anaphylactic reaction, and excluding controlled dangerous substances as provided in sections 5 and 6 of P.L.1970, c.226 (C.24:21-5 and C.24:21-6), except as otherwise authorized by section 9 of P.L.1991, c.385 (C.45:12-9.11), for the purposes of treating deficiencies, deformities, diseases, or abnormalities of the human eye and adnexae, including the removal of superficial foreign bodies from the eye and adnexae. The practice of optometry shall include the administration of immunizations against coronaviruses and influenza by any route or modality, provided that administration of the immunization is consistent with recommendations issued by the Advisory Committee for Immunization Practices in the federal Centers for Disease Control and Prevention and complies with the requirements of section 2 of P.L.2021, c.101 (C.45:12-1.1).

An optometrist utilizing pharmaceutical agents for the purposes of treatment of ocular conditions and diseases shall be held to a standard of patient care in the use of such agents commensurate to that of a physician utilizing pharmaceutical agents for treatment purposes.

A person shall be deemed to be practicing optometry within the meaning of this chapter who in any way advertises himself as an optometrist, or who shall employ any means for the measurement of the powers of vision or the adaptation of lenses or prisms for the aid thereof, practice, offer or attempt to practice optometry as herein defined, either on his own behalf or as an employee or student of another, whether under the personal supervision of his employer or perceptor or not, or to use testing appliances for the purposes of measurement of the powers of vision or diagnose any ocular deficiency or deformity, visual or muscular anomaly of the human eye and adnexae or prescribe lenses, prisms or ocular exercise for the correction or the relief thereof, or who uses or prescribes pharmaceutical agents for the purposes of diagnosing and treating deficiencies, deformities, diseases or abnormalities of the human eye and adnexae or who holds himself out as qualified to practice optometry.

C.45:12-1.1 Authority of optometrist to administer certain immunizations.

2. a. (1) Subject to the provisions of paragraph (2) of this subsection, an optometrist shall be authorized to administer immunizations against coronaviruses and influenza upon certification from the New Jersey State Board of Optometrists that the optometrist has met any training and qualification requirements as are established by the board by rules and regulations adopted pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

(2) The New Jersey State Board of Optometrists may certify an optometrist to administer immunizations against a coronavirus or influenza during a public

health emergency involving an outbreak or epidemic of a coronavirus or influenza declared pursuant to the "Emergency Health Powers Act," P.L.2005, c.222 (C.26:13-1 et seq.), regardless of whether the board has adopted rules and regulations implementing the provisions of P.L.2021, c.101 (C.45:12-1.1 et al.). The authority to administer immunizations under the provisions of this paragraph shall be limited to administering immunizations against the specific disease for which the public health emergency was declared. All other immunizations shall be subject to the requirements of paragraph (1) of this section.

b. An optometrist shall not administer an immunization against a coronavirus or influenza pursuant to this section to any patient who is younger than 18 years of age.

c. An immunization against a coronavirus or influenza administered to a patient by an optometrist under this section shall be reported by the optometrist to the New Jersey Immunization Information System established pursuant to section 4 of P.L.2004, c.138 (C.26:4-134) for inclusion in the patient's registry.

3. The New Jersey State Board of Optometrists shall adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as shall be necessary to implement the provisions of this act.

4. This act shall take effect immediately.

Approved May 12, 2021.

CHAPTER 102

AN ACT concerning the conduct of the 2020 primary and general elections and the 2021 primary election, and making an appropriation.

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

1. The Legislature finds and declares that due to continued concerns surrounding the coronavirus disease 2019 (COVID-19) pandemic, local elections officials have reported a significant decrease in the number of individuals willing to serve as members of a district board of election, otherwise referred to as poll workers, resulting in an inability to meet the statutory requirements concerning the number of poll workers necessary in each election district. It is therefore necessary to waive certain eligibility requirements for

district boards of election in order to ensure the security and continuity of the June 8, 2021 primary election scheduled to occur in June of 2021.

2. For the primary election to be held on June 8, 2021, the Tuesday next after the first Monday in June of 2021, the following shall apply:

a. The provisions in R.S.19:6-1 requiring that the district boards in each election district consist of four members, and in certain circumstances six members, is suspended. No less than two district board members shall be assigned to each polling place open on the day of the primary election.

b. Paragraph (1) of subsection a. of R.S.19:6-3 is suspended, except that in no case shall the members of a district board serving at any one polling place be comprised solely of members of one political party.

c. The provisions of R.S.19:6-2 shall be inapplicable to any member of the New Jersey National Guard activated to serve as a member of a district board. Any member of the New Jersey National Guard activated to serve as a member of a district board shall not be in uniform and shall be in civilian clothing.

d. The provisions of R.S.19:6-2 requiring that a member of a district board be a resident of the county in which that member will serve as such shall be suspended.

e. Notwithstanding the provisions of R.S.19:6-2 to the contrary, a United States citizen who is not a registered voter but who is otherwise qualified to serve as a district board member may do so. That person shall be treated as a person who is unaffiliated with any political party for the purposes of chapter 6 of Title 19 of the Revised Statutes.

f. The provisions of R.S.19:8-3 requiring a county board to demonstrate inconvenience to the voters in order to locate a polling place in a building other than a schoolhouse or public building shall be suspended.

g. The provisions of R.S.19:8-2 prohibiting a polling place other than a schoolhouse or public building from being located more than 1,000 feet distant from the boundary line of a district and the requirement that the Secretary of State approve the selection of a polling place more than 1,000 feet distant from the boundary line of the district if there is no suitable polling place accessible to individuals with disabilities and the elderly within the district or 1,000 feet distant from the boundary line of the district shall be suspended. This subsection shall not be construed to permit, for any election district, the selection of a polling place outside of the municipality in which the district is located.

h. A county board shall not be limited to utilizing only the polling places reported to the Secretary of State pursuant to section 4 of P.L.1991, c.429

(C.19:8-3.4). This subsection shall not be construed to modify any requirements concerning the accessibility of a polling place in conformity with the federal “Americans with Disabilities Act of 1990” (42 U.S.C. s.12101 et seq.).

i. Each member of a district board serving on the day of the primary election shall receive, in addition to the amount payable under R.S.19:45-6, a supplemental payment of \$200 for a full day worked, or of \$100 for each full shift worked if such shift is established pursuant to section 1 of P.L.1991, c.102 (C.19:6-9.1); except that members of the National Guard who are serving as district board members pursuant to activation by the Governor shall be subject to reimbursement pursuant to a memorandum of understanding or other written agreement duly executed by the Secretary of State and the Adjutant General. Such supplemental payments shall not be considered or included as remuneration for the purposes of R.S.43:21-19.

j. For the purposes of this section, “political party” means either of the two political parties receiving the largest and next largest number of votes in this State for members of the General Assembly at the last preceding general election held for the election of all of the members of the General Assembly.

3. There is appropriated from the General Fund to the Secretary of State such sums as are deemed necessary by the State Treasurer and the Director of the Division of Budget and Accounting in the Department of the Treasury for the purpose of reimbursing counties for the additional direct expenditures required to implement subsection i. of section 2 of this act, P.L.2021, c.102 and for the purposes set forth in the memorandum of understanding or other written agreement executed pursuant to that subsection.

4. There is appropriated the sum of \$1,700,000 from the General Fund for the purposes set forth in the memorandum of understanding or other written agreement executed between the Secretary of State and the Adjutant General concerning the activation and deployment of New Jersey National Guard troops who assisted with the 2020 primary and general elections.

5. This act shall take effect immediately.

Approved June 3, 2021.

CHAPTER 103

AN ACT concerning emergency health powers and supplementing Title 26 of the Revised Statutes.

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

C.26:13-32 Expiration of certain executive orders.

1. All executive orders issued by the Governor prior to the effective date of this act, P.L.2021, c.103 (C.26:13-32 et seq.), that relied on the existence of the public health emergency declared by the Governor in Executive Order No. 103 of 2020, as extended, shall expire 30 days following the effective date of this act, with the exception of the executive orders listed in this section that shall remain in effect until January 1, 2022. The Governor shall have the ability to revoke or modify the executive orders listed in this section prior to January 1, 2022.

(1) Executive Order No. 106 (2020)

(2) Executive Order No. 111 (2020)

(3) Executive Order No. 112 (2020)

(4) Executive Order No. 123 (2020)

(5) Executive Order No. 127 (2020)

(6) Executive Order No. 150 (2020)

(7) Executive Order No. 159 (2020)

(8) Executive Order No. 170 (2020)

(9) Executive Order No. 178 (2020)

(10) Executive Order No. 207 (2020)

(11) Executive Order No. 229 (2021)

(12) Executive Order No. 233 (2021)

(13) Executive Order No. 237 (2021)

(14) The most recent executive order containing general coronavirus disease 2019 (COVID-19) mitigation measures regarding face coverings, social distancing, and gatherings prior to the effective date of this act, and this executive order shall not be more restrictive than the recommendations provided in the federal Centers for Disease Control and Prevention guidelines on social distancing and face coverings in response to the coronavirus disease 2019 (COVID-19) pandemic, unless a substantial increase in hospitalizations, substantially increased spot positivity, or rate of transmission above 1 necessitates a modification that would be more restrictive.

C.26:13-33 Civil, criminal liability; expiration.

2. Notwithstanding the provisions of section 1 of this act, P.L.2021, c.103 (C.26:13-32), allowing Executive Order No. 112 of 2020 to remain in place until January 1, 2022, any civil or criminal immunity related to the COVID-19 response bestowed by either Executive Order No. 112 of 2020, P.L.2020, c.18, or Department of Health Executive Directive No. 20-006 (Revised) as issued

December 16, 2020 upon health care professionals, health care facilities, health care systems, modular field treatment facilities, and any other sites designated by the Commissioner of the Department of Health for temporary use in connection with the State's COVID-19 response, including hotels and student dormitories, shall last until September 1, 2021, and then expire on that date. Conduct occurring prior to September 1, 2021 by health care professionals, health care facilities, or health care systems shall retain the civil or criminal immunity provided by Executive Order No. 112 of 2020, P.L.2020, c.18, or Department of Health Executive Directive No. 20-006 (Revised) as issued December 16, 2020. The civil immunity bestowed upon health care professionals in connection with the State's COVID-19 response by P.L.2020, c.18 shall continue beyond September 1, 2021 only for individuals specifically engaged in vaccinations or testing related to COVID-19.

C.26:13-34 Expiration of orders, directives, waivers issued due to public health emergency.

3. a. Following the termination of the public health emergency declared by the Governor in Executive Order No. 103 of 2020, as extended, the force and effect of any administrative order, directive, or waiver issued by the head of a State agency that relied on the existence of the public health emergency declared by the Governor in Executive Order No. 103 of 2020, as extended, shall expire on January 11, 2022. Such administrative order, directive, or waiver may be continued and may be modified by the head of a State agency, unless such administrative order, directive, or waiver is explicitly revoked, until January 11, 2022.

b. Notwithstanding subsection a. of this section, the Governor shall notify the Legislature by January 1, 2022 if the Governor determines that it is necessary or appropriate to continue for an additional 90 days beyond January 11, 2022 any administrative order, directive, or waiver issued by the head of a State agency that relied on the existence of the public health emergency declared by the Governor in Executive Order No. 103 of 2020, as extended. The administrative orders, directives, or waivers shall be extended for an additional 90 days if each House of the Legislature passes a concurrent resolution to continue any such administrative order, directive, or waiver. Any administrative order, directive, or waiver as to which the Governor does not provide notification to the Legislature or as to which both Houses of the Legislature do not pass a concurrent resolution to continue shall expire on January 11, 2022.

c. Notwithstanding subsection a. of this section, the provisions of any administrative order, directive, or waiver issued by the Department of Health that relied on the existence of the public health emergency declared by the Governor in Executive Order No. 103 of 2020, as extended, governing staffing ratios, overtime, shifts, and vacation time shall remain in force and effect

until September 1, 2021, at which time all such provisions of administrative orders, directives, and waivers governing staffing ratios, overtime, shifts, and vacation time shall be superseded by relevant provisions of laws, regulations, or collective bargaining agreements in effect on that date.

C.26:13-35 Certain powers undiminished, impaired by termination of public health emergency.

4. The termination of the public health emergency declared by the Governor in Executive Order No. 103 of 2020, as extended, shall in no way diminish, limit, or impair the powers of the Governor or the head of a State agency pursuant to the provisions of the civilian defense and disaster control act, P.L.1942, c.251 (C.App.A:9-33 et seq.). The state of emergency declared in Executive Order No. 103 of 2020, as extended, pursuant to P.L.1942, c.251 (C.App.A:9-33 et seq.) shall remain in effect until terminated by the Governor.

While the state of emergency declared in Executive Order No. 103 of 2020 shall remain in effect, the deadlines in paragraph (1) of subsection i. of section 6 of P.L.2001, c.404 (C.47:1A-5) shall apply to any request made under the open public records act after the effective date of this act, with the exception of requests made for records related to the COVID-19 response, which shall continue to be governed by paragraph (2) of subsection i. of section 6 of P.L.2001, c.404 (C.47:1A-5).

C.26:13-36 Authority relative to termination of public health emergency.

5. Following the termination of the public health emergency declared by the Governor in Executive Order No. 103 of 2020, as extended, the Governor, Commissioner of Health, and the head of any other State agency may issue orders, directives, and waivers pursuant to P.L.2005, c.222 (C.26:13-1 et seq.) related to (1) vaccination distribution, administration, and management, (2) COVID-19 testing, (3) health resource and personnel allocation, (4) data collection, retention, sharing, and access, (5) coordination of local health departments, and (6) implementation of any applicable recommendations of the Centers for Disease Control and Prevention to prevent or limit the transmission of COVID-19, including in specific settings.

The authority granted by this section shall last until January 11, 2022, unless the Governor notifies the Legislature by January 1, 2022 that the authority granted by this section is necessary to combat the continuing threat posed by COVID-19 and should last for another 90 days. In the event of such notification, the Legislature shall have the authority to pass a concurrent resolution to concur with the Governor's notice. If such a concurrent resolution passes both Houses of the Legislature, then the authority granted by this section shall continue for an additional 90 days. If such a concurrent

resolution does not pass both Houses of the Legislature, then the authority granted by this section shall expire on January 11, 2022.

6. This act shall take effect immediately.

Approved June 4, 2021.

CHAPTER 104

AN ACT concerning collective bargaining agreements and subcontracting and supplementing P.L.1941, c.100 (C.34:13A-1 et seq.).

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

C.34:13A-50 Definitions relative to collective bargaining.

1. As used in this act:

"Employer" means a State college or university established pursuant to chapter 64 of Title 18A of the New Jersey Statutes or a public research university.

"Employee" means any employee, whether employed on a full or part-time basis, of an employer.

"Subcontracting" means any action, practice, or effort by an employer which results in any services or work performed by any of its employees being performed or provided by any other person, vendor, corporation, partnership or entity.

"Subcontracting agreement" means any agreement or arrangement entered into by an employer to implement subcontracting.

C.34:13A-51 Mandatory subjects of negotiations.

2. Except for actions of an employer expressly required or prohibited by the provisions of this act, all aspects or actions relating to or resulting from an employer's decision to subcontract including, but not limited to, whether or not severance pay is provided, shall be mandatory subjects of negotiations.

C.34:13A-52 Subcontracting agreement conditions.

3. No employer shall enter into a subcontracting agreement which affects the employment of any employees in a collective bargaining unit represented by a majority representative during the term that an existing collective bargaining agreement with the majority representative is in effect. No employer shall

enter into a subcontracting agreement for a period following the term of the current collective bargaining agreement unless the employer:

a. Provides written notice to the majority representative of employees in each collective bargaining unit which may be affected by the subcontracting agreement and to the New Jersey Public Employment Relations Commission, not less than 90 days before the employer requests bids, or solicits contractual proposals for the subcontracting agreement; and

b. Has offered the majority representative of the employees in each collective bargaining unit which may be affected by the subcontracting agreement the opportunity to meet and consult with the employer to discuss the decision to subcontract, and the opportunity to engage in negotiations over the impact of the subcontracting. The employer's duty to negotiate with the majority representative of the employees in each collective bargaining unit shall not preclude the employer's right to subcontract should no successor agreement exist.

C.34:13A-53 Replaced, displaced employee; seniority retained.

4. Each employee replaced or displaced as the result of a subcontracting agreement shall retain all previously acquired seniority during that period and shall have recall rights whenever the subcontracting terminates.

C.34:13A-54 Unfair practice charge.

5. An employer who violates any provision of this act shall be deemed to have committed an unfair practice, and any employee or majority representative organization affected by the violation may file an unfair practice charge with the New Jersey Public Employment Relations Commission. If the employee or organization prevails on the charge, the employee is entitled to a remedy including, but not limited to, reinstatement, back pay, back benefits, back emoluments, tenure and seniority credit, attorney's fees, and any other relief the commission deems appropriate to effectuate the purposes of this act.

C.34:13A-55 Purpose of act.

6. Nothing in this act shall be construed as authorizing subcontracting which is not otherwise authorized by law. Nothing in this act shall be construed as restricting or limiting any right established or provided for employees by section 7 of P.L.1968, c.303 (C.34:13A-5.3); the purpose of this act is to provide rights in addition to those provided in that section.

7. This act shall take effect immediately.

Approved June 11, 2021.

CHAPTER 105

AN ACT concerning deferred retirement for certain judges in the Judicial Retirement System and amending P.L.2019, c.287.

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

1. Section 1 of P.L.2019, c.287 (C.43:6A-11.1) is amended to read as follows:

C.43:6A-11.1 Certain members of Judicial Retirement System; deferment.

1. Notwithstanding the provisions of any law or regulation to the contrary, a member of the Judicial Retirement System who has been appointed by the Governor, with the advice and consent of the Senate, to the position of county prosecutor in accordance with N.J.S.2A:158-1 may file, prior to commencing service as the county prosecutor, a written and duly executed application for retirement for any reason other than disability if the member has attained the age of 65 years, has the necessary judicial service credit for a full judicial retirement, and has served for 25 years as a judge for any court in New Jersey. The approval process shall be expedited. If the application is approved, the effective date of retirement for that member shall be deferred to the first day of the month following the termination of the member's service in the position of county prosecutor. The application for retirement shall be accompanied by a copy of the member's written resignation from the judicial office effective as of the date of the approval of the retirement application.

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

If such a person dies while in service as a county prosecutor, the death shall not be considered a death in active service. The beneficiary shall be eligible for a pension or survivor's benefit, and for any death benefits, based on the approved retirement application and the retirement shall be effective as of the date of death. The election by the member of an option in accordance with section 1 of P.L.2002, c.54 (C.43:6A-16.1) shall become effective and payable.

Notwithstanding any other provision of law to the contrary, a person who files an application for retirement pursuant to this section and serves in the position of county prosecutor shall not be eligible to participate in the Defined Contribution Retirement System, enroll in any other State-administered retirement system, or receive any other payments from the county or State deemed to be payments for retirement accounts, funds, pensions, or annuities. The person and the person's dependents shall be eligible for health care benefits coverage provided for the position of county prosecutor during service in that position.

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

2. This act shall take effect immediately.

Approved June 11, 2021.

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CHAPTER 106

AN ACT establishing the Coronavirus Disease 2019 (COVID-19) Pandemic Task Force on Racial and Health Disparities.

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

1. There is established the Coronavirus Disease 2019 (COVID-19) Pandemic Task Force on Racial and Health Disparities in the Department of Health.

a. The task force shall consist of 23 members as follows:

(1) the Chief Diversity Officer; a representative of the Department of Health whose duties or expertise includes expanding access by minority populations to clinically appropriate healthcare services or eliminating discrimination in the implementation of healthcare programs, policies, or initiatives; a representative of the Department of Community Affairs; a representative of the Department of Human Services; a representative of the Department of Children and Families; a representative of the Housing and Mortgage Financing Agency; a representative of the Division of Consumer Affairs in the Department of Law and Public Safety; a representative of the Division on Civil Rights in the Department of Law and Public Safety; and a representative of the Office of Emergency Management;

(2) two public members appointed by the Governor, upon recommendation by the Senate President, one of whom shall be recommended based on the recommendation of the New Jersey Black Legislative Caucus, and one of

whom shall be recommended based on the recommendation of the New Jersey Latino Caucus;

(3) two public members appointed by the Governor, upon recommendation by the Speaker of the General Assembly, one of whom shall be recommended based on the recommendation of the New Jersey Black Legislative Caucus, and one whom shall be recommended based on the recommendation of the New Jersey Latino Caucus; and

(4) ten public members appointed by the Governor, who shall include: a representative of the New Jersey Institute for Social Justice; a representative of a federally qualified health center; a physician licensed to practice in this State who specializes in providing care to patients in the State's minority and vulnerable communities; a nurse licensed to practice in this State who specializes in providing care to patients in the State's minority and vulnerable communities who may be a school nurse; a representative of a general hospital located in the State's minority and vulnerable communities with direct experience working with minority and vulnerable communities; a representative of the Maternal and Child Health Consortia; a representative of the New Jersey Urban Mayor's Association; and three representatives of three different non-profit organizations that conduct research, education, and training on, and develop policy initiatives to address, health equity in this State.

b. Vacancies in the membership of the task force shall be filled in the same manner provided for the original appointments. The public members of the task force shall serve without compensation but may be reimbursed for traveling and other miscellaneous expenses necessary to perform their duties within the limits of funds made available to the task force for its purposes.

c. The task force shall organize as soon as practicable after the appointment of its members and shall select a chairperson and vice-chairperson from among its members. The chairperson shall appoint a secretary who need not be a member of the task force.

d. The task force may meet at the call of its chairperson and hold at a minimum, three public hearings, with at least one hearing to be held in each of the northern, southern, and central regions of the State, which hearings shall be conducted remotely, as appropriate, by telephone, computer, or other means of live audio or video communication, at the times and in the places it deems appropriate and necessary to fulfill its charge. 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.

e. The Department of Health shall provide staff services to the task force.

2. The purpose of the task force shall be to:

a. conduct a thorough and comprehensive study on the ways in which, and the reasons why the coronavirus disease 2019 (COVID-19) pandemic has disproportionately affected the State's minority and vulnerable communities, and the short-term and long-term consequences of the pandemic on these communities;

b. study and make recommendations to improve existing data systems to ensure that the health information that is collected relating to COVID-19 infections and deaths, includes specific race, ethnicity, and demographic identifiers to develop a better statistical understanding of how the COVID-19 pandemic has affected the State's minority and vulnerable communities;

c. evaluate the issues relating to the quality of, and access to, physical and mental health treatment and services provided to various racial and ethnic populations in the State during the COVID-19 pandemic;

d. solicit and receive testimony from members of the State's minority and vulnerable communities based on their experiences during the COVID-19 pandemic;

e. develop effective strategies to:

(1) address the racial, ethnic, and health disparities, and historical and systematic inequalities pertaining to race and ethnicity that have amplified the death rate in the State's minority and vulnerable communities during the COVID-19 pandemic; and

(2) reduce and eliminate disparities among the various racial and ethnic populations within the State's minority and vulnerable communities with respect to health status, access to high-quality health care, and utilization of health care services;

f. evaluate the communication, messaging, and dissemination of information regarding testing, contact tracing, and other related public health approaches necessary to achieve health care equity and cultural competence in the provision of physical and mental health treatment and services to the State's minority and vulnerable communities during the COVID-19 pandemic;

g. evaluate impediments that may interfere with an individual's ability to quarantine or isolate during the COVID-19 pandemic;

h. analyze the distribution of resources, including personal protective equipment and food, in the State's minority and vulnerable communities;

i. examine the impact of the COVID-19 pandemic on the physical and mental health of essential employees from the State's minority and vulnerable communities;

j. examine the impact of the COVID-19 pandemic on access to child care services in the State's minority and vulnerable communities;

k. investigate the prevalence of intimate partner violence in the State's minority and vulnerable communities during the COVID-19 pandemic; and

l. identify best practices, opportunities for shared services, or potential partnerships that would increase the communication of health care information and materials in multiple languages for members of the State's minority and vulnerable communities, including persons with developmental disabilities and senior citizens.

3. a. No later than one year after the public health emergency declared in response to the coronavirus disease 2019 (COVID-19) is lifted, the task force shall report to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature, on the activities of the task force and its findings and recommendations on strategies to:

(1) address the racial, ethnic, and health disparities and historical and systematic inequalities pertaining to race and ethnicity that have amplified the death rate in the State's minority and vulnerable communities during the COVID-19 pandemic;

(2) address the short- and long-term consequences of the COVID-19 pandemic on the State's minority and vulnerable communities; and

(3) reduce and eliminate disparities among the various racial and ethnic populations within the State's minority and vulnerable communities with respect to health status, access to high-quality health care, and utilization of health care services.

b. The task force shall expire 30 days after the issuance of its report.

4. This act shall take effect immediately.

Approved June 11, 2021.

CHAPTER 107

AN ACT concerning the modified basic training program for county correctional police officers and supplementing Title 52 of the Revised Statutes.

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

C.52:17B-68.3 Basic training program for county correctional police officers, revised.

1. a. The Police Training Commission shall revise the modified basic training program for county correctional police officers established in section 1 of P.L.2019, c.247 (C.52:17B-68.2) to provide the additional training necessary for

an eligible county correctional police officer to be certified as detective or investigator in the county prosecutor's office or a county or municipal police officer.

b. The commission shall complete the revisions to the modified basic training program no later than 60 days following the effective date of P.L.2021, c.107.

c. A county correctional police officer is eligible for the revised modified basic training program established in subsection a. of this section if:

(1) the officer served in a county correctional facility that closed in calendar year 2021;

(2) the officer served in the county correctional police officer title for a minimum of 12 months in the facility under the jurisdiction of the county sheriff or the chief executive officer of the county, whichever is applicable;

(3) the officer previously completed a basic training course administered by the Police Training Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.);

(4) the officer has been designated by the county sheriff as eligible to transition into the position of sheriff's officer or by the chief executive officer of the county or municipality, as appropriate, as eligible to transition into the position of detective or investigator in the county prosecutor's office or county or municipal police officer; and

(5) a criminal history record background check of the officer has been conducted by the appointing authority and the officer has not been deemed ineligible to transition to the position of detective or investigator in the county prosecutor's office or county or municipal police officer on the basis of any conviction disclosed by the background check.

d. The waiver rule set forth in N.J.A.C.13:1-8.4 authorizing the Police Training Commission to waive all or part of a basic training course shall apply to an eligible county correctional police officer taking the revised modified basic training pursuant to subsection a. of this section.

e. An eligible county correctional police officer who successfully completes the modified basic training established pursuant to section 1 of P.L.2019, c.247 (C.52:17B-68.2) shall be eligible for a transfer to a position as sheriff's officer in any county in the State and an eligible officer who successfully completes the revised modified basic training established pursuant to subsection a. of this section shall be eligible for a transfer or lateral title change, as appropriate, to the position of detective or investigator in the county prosecutor's office or county or municipal police officer in any county or municipality, as applicable, in the State. An officer eligible for a transfer or lateral title change pursuant to the provisions of this section shall not be denied a transfer or title change to an available position without good cause.

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

2. This act shall take effect immediately.

Approved June 11, 2021.

CHAPTER 108

AN ACT changing the dates on which members of the municipal and county committees of a political party take office and hold annual meetings and transferring certain responsibilities to county clerks, and amending R.S.19:5-2, R.S.19:5-3, and R.S.19:23-54.

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

1. R.S.19:5-2 is amended to read as follows:

Membership and organization of municipal committees.

19:5-2. The members of the municipal committees of political parties shall consist of the elected members of the county committee resident in the respective municipalities. The members of the municipal committee shall take office by the third Saturday following the certification of the results of their election as members of the county committee, on which day the terms of all members of such committees theretofore elected shall terminate. The annual meeting of each municipal committee shall be held by the third Saturday following the certification of the results of the primary election for the general election, at an hour and place to be designated in a notice to be given by the chairperson to each member and member-elect. The members of each committee shall elect some suitable person who shall be a resident of such municipality as chairperson. The municipal committee shall have power to adopt a constitution and bylaws for its proper government. The chairperson shall preside at all meetings of the committee, and shall perform all duties required by law and the constitution and bylaws of such committee.

When a member of a municipal committee ceases to be a resident of the district or unit from which elected, a vacancy on the committee shall exist. A member of a municipal committee of any political party may resign their office to the committee of which they are a member, and upon acceptance thereof by the committee a vacancy shall exist. A vacancy in the office of a

member of a municipal committee of any political party, howsoever caused, shall be filled for the unexpired term by the remaining members of the committee in the municipality in which the vacancy occurs.

2. R.S.19:5-3 is amended to read as follows:

Membership and organization of county committees; vacancies; certification of unit of representation and number of election districts.

19:5-3. The members of the county committees of political parties shall be elected at the primary for the general election in the manner provided in this Title for the selection of party candidates to be voted for at the general election by voters of a municipality at such intervals as shall be provided in the bylaws of the county committee. The county committee shall consist of one male and one female member from each unit of representation in the county. The male receiving the highest number of votes among the male candidates and the female receiving the highest number of votes among the female candidates shall be declared elected. Members of the county committee shall actually reside in the districts or units which they respectively represent. The county committee shall determine by its bylaws the units into which the county shall be divided for purpose of representation in the county committee.

The members of the county committee of each of the political parties shall take office by the third Saturday following the certification of the results of their election, on which day the terms of all members of such committees theretofore elected shall terminate. The annual meeting of each county committee shall be held by the third Saturday following the certifications of the results of the primary election, except that when such meeting day falls on a legal holiday then the said meeting shall be held on the day following, and when such meeting day falls on the day of a municipal runoff election within the county then said meeting may be held on the day following, at an hour and place to be designated in a notice in writing to be mailed by the chairperson to each member and member-elect. If the annual meeting coincides with a period of religious observance, the meeting may be held on another date, and under no circumstances shall that date occur later than the third Tuesday following the certification of the results of the primary election. The members of such committee shall elect some suitable person as chairperson who shall be a resident of such county to hold office until a successor is elected. The chairperson of the outgoing county committee shall transmit, with the notice of the annual meeting, a copy of the constitution and bylaws to any newly elected committee member. The members shall also elect a vice-chairperson of the opposite sex of the chairperson to hold office for 1 year or until a successor is elected and

the vice-chairperson shall perform all duties required by law and the constitution and bylaws of such committee. Any person elected or appointed to membership on the county committee pursuant to R.S.19:5-2 may request, in writing and by certified mail to the county chairperson, such constitution or bylaws currently in effect. The committee member requesting the constitution or bylaws shall receive the constitution or bylaws within 48 hours of the receipt of the request by the chairperson. The chairperson shall preside at all meetings of the committee and shall perform all duties required by law and the constitution and bylaws of such committee.

When a member of a county committee ceases to be a resident of the district or unit from which elected, a vacancy on the county committee shall exist. A member of a county committee of any political party may resign their office to the committee of which they are a member, and upon acceptance thereof by the committee, a vacancy shall exist. A vacancy in the office of a member of the county committee of any political party, caused by death, resignation, failure to elect, or removal for cause, shall be filled for the unexpired term by the municipal committee of the municipality wherein the vacancy occurs, if there is such committee, and if not, by the remaining members of the county committee of such political party representing the territory in the county in which such vacancy occurs. The chairperson of the outgoing county committee shall provide a copy of the constitution and bylaws to any committee member appointed pursuant to R.S.19:5-2 to fill a vacancy within three business days of the committee member's selection.

The chairperson of the county committee of the several political parties shall, before April 1 in a year in which county committee members are to be elected, certify to the clerk of each municipality in the county the unit of representation in such municipality, together with the enumeration of the election district or districts embraced within such unit.

3. R.S.19:23-54 is amended to read as follows:

Canvass of votes by municipal clerks; certificates of election to county board.

19:23-54. The municipal clerk shall canvass the statements of the district board, not later than the third day after they are received, as far as they relate to the election of members of the county committee of any political party, and, after counting information on write-in votes, vote by mail ballots, and provisional ballots received from the county clerk or board of elections, as appropriate, shall issue a certificate of election to each person shown by the returns to have been so elected.

No person whose name was printed on a primary ballot as a candidate for the county committee shall receive a certificate of election as a member of any other county committee.

When a person whose name was not printed on a primary ballot as a candidate for member of the county committee has been elected as a member of the county committee of more than one political party, the person shall file with the municipal clerk within three days a statement certifying to which political party the person belongs, and a certificate of election shall be issued to such person as a member of the county committee of the political party so certified.

Any person elected as a member of the county committee of any political party whose name was not printed upon the primary ballot and to whom a certificate of election has been issued, shall before the organization of the county committee file with the secretary thereof a written statement certifying that the person is a member of such political party.

The county clerk shall within thirteen days after the primary election certify to the county board two copies of the names and post-office addresses of the persons elected as members of the county committee of the several political parties, together with the ward, district or unit which they respectively represent.

4. This act shall take effect immediately.

Approved June 11, 2021.

CHAPTER 109

AN ACT concerning education and related services for students with disabilities and supplementing chapter 46 of Title 18A of the New Jersey Statutes.

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

C.18A:46-6.3 Provision of education, related services to students with disabilities.

1. a. Notwithstanding the provisions of N.J.S.18A:46-6, N.J.S.18A:46-8, or of any other law, rule, or regulation concerning the age of eligibility for special education and related services to the contrary, a board of education shall, in the 2021-2022 school year, provide special education and related services contained in an individualized education program to a student with disabilities who attains the age of 21 during the 2020-2021 school year, provided that the parent of the student and the individualized education program

team determine that the student requires additional or compensatory special education and related services, including transition services, during the 2021-2022 school year. A student receiving special education and related services pursuant to this subsection shall not be eligible to receive such education and services beyond June 30, 2022, unless otherwise provided in a student's individualized education program or as ordered by a hearing officer, complaint investigation, or court of competent jurisdiction.

b. Notwithstanding the provisions of N.J.S.18A:46-6, N.J.S.18A:46-8, or of any other law, rule, or regulation concerning the age of eligibility for special education and related services to the contrary, a board of education shall, in the 2022-2023 school year, provide special education and related services contained in an individualized education program to a student with disabilities who attains the age of 21 during the 2021-2022 school year, provided that the parent of the student and the individualized education program team determine that the student requires additional or compensatory special education and related services, including transition services, during the 2022-2023 school year. A student receiving special education and related services pursuant to this subsection shall not be eligible to receive such education and services beyond June 30, 2023, unless otherwise provided in a student's individualized education program or as ordered by a hearing officer, complaint investigation, or court of competent jurisdiction.

c. Notwithstanding the provisions of N.J.S.18A:46-6, N.J.S.18A:46-8, or of any other law, rule, or regulation concerning the age of eligibility for special education and related services to the contrary, a board of education shall, in the 2023-2024 school year, provide special education and related services contained in an individualized education program to a student with disabilities who attains the age of 21 during the 2022-2023 school year, provided that the parent of the student and the individualized education program team determine that the student requires additional or compensatory special education and related services, including transition services, during the 2023-2024 school year. A student receiving special education and related services pursuant to this subsection shall not be eligible to receive such education and services beyond June 30, 2024, unless otherwise provided in a student's individualized education program or as ordered by a hearing officer, complaint investigation, or court of competent jurisdiction.

d. A student receiving special education and related services, including transition services, pursuant to this section shall be afforded the same rights, privileges, and remedies provided to students with disabilities pursuant to State law, State Board of Education regulations concerning special education, and the federal "Individuals with Disabilities Education Act," 20 U.S.C.

s.1400 et seq. Any disputes that arise with respect to the provision or nature of services provided to a student with disabilities in the additional year as provided under subsections a., b., and c. of this section may be addressed, as determined by the parent of the student with disabilities, by either:

(1) mediation;

(2) a written request for a complaint investigation submitted to the Director of the Office of Special Education Policy and Dispute Resolution in the Department of Education; or

(3) a special education due process hearing pursuant to the provisions of the "Individuals with Disabilities Education Act," 20 U.S.C. s.1400 et seq., chapter 46 of Title 18A of the New Jersey Statutes, or regulations promulgated thereto.

e. (1) The special education and related services, including transition services, provided to students with disabilities pursuant to the provisions of this section shall, to the extent permitted by federal law, be paid for from the monies received by the State or a school district under the federal "Coronavirus Aid, Relief, and Economic Security (CARES) Act," Pub.L.116-136, the federal "Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act, 2021," Pub.L.116-260, the federal "American Rescue Plan (ARP) Act," Pub.L.117-2, or any other federal funding provided to address the impact of the coronavirus pandemic on elementary and secondary schools as it becomes available.

(2) To the extent that the federal funds described in paragraph (1) of this subsection do not cover the costs borne by school districts to provide the special education and related services, including transition services, to students with disabilities pursuant to the provisions of this section, the State shall appropriate funds as necessary from the Property Tax Relief Fund to reimburse school districts for these costs.

(3) The special education and related services funded pursuant to the provisions of this subsection may include, but are not limited to, the additional staff, programs, and facilities deemed necessary by school districts to provide the special education and related services, including transition services, required under this section.

f. Notwithstanding the provisions of chapter 26 of Title 14 of the New Jersey Administrative Code, N.J.A.C.6A:14-4.9, or of any other law, rule, or regulation establishing educational facility planning standards, temporary facility standards, or age range and group size requirements for approved private schools for students with disabilities to the contrary, for the 2021-2022 school year through the 2023-2024 school year, the Department of Education shall permit an approved private school for students with disabilities to temporarily utilize non-qualifying spaces on school property for instruction and

educational purposes in order to serve any additional students receiving special education and related services, including transition services, pursuant to the provisions of this section, if the department and the applicable county office of education determine that the school is able to provide suitable accommodations in those spaces for the additional students.

g. Notwithstanding the provisions of N.J.S.18A:46-21, N.J.A.C.6A:23A-18.3, or of any other law, rule, or regulation establishing per diem tuition rates at approved private schools for students with disabilities to the contrary, the Department of Education shall, for the 2021-2022 school year through the 2025-2026 school year, set the maximum tentative tuition rate of each approved private school for students with disabilities at the maximum tentative tuition rate set for the 2020-2021 school year if, during the 2021-2022 school year through the 2023-2024 school year, the school exceeds the total number of students at the approved facility in the 2020-2021 school year.

h. As used in this section, "parent" means the natural or adoptive parent, the legal guardian, resource family parent when willing to so serve, a surrogate parent, or a person acting in the place of a parent, such as a grandparent or stepparent with whom the student lives or a person legally responsible for the student's welfare. Parent shall also include an adult student who has attained the age of 18, who is not under legal guardianship, and who is entitled to receive special education and related services.

2. This act shall take effect immediately.

Approved June 16, 2021.

CHAPTER 110

AN ACT concerning the housing rights of certain persons with criminal records and supplementing chapter 8 of Title 46 of the Revised Statutes.

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

C.46:8-52 Short title.

1. This act shall be known and may be cited as the "Fair Chance in Housing Act."

C.46:8-53 Findings, declarations regarding housing to those with criminal records.

2. The Legislature finds and declares that:

- a. Recent research indicates that New Jersey suffers from a tragically high 36-month recidivism rate of over 30 percent;
- b. Housing instability appears to impact recidivism, considering that over one in 10 prisoners in the United States face homelessness upon release;
- c. Research from other states indicates a substantial increase in the likelihood of a parolee's arrest following each change in address, further supporting the conclusion that when ex-convicts are unable to find stable housing, recidivism becomes more likely and public safety is diminished;
- d. Prior to the 1990s when popular guidance documents began advising landlords to conduct criminal background checks on prospective tenants, criminal background information was not widely-available and convenient to landlords for informing rental decisions, but many landlords were nonetheless able to maintain safe and healthy rental properties; and
- e. It is, therefore, necessary and in the public interest for the Legislature to enact legislation for the purpose of establishing certain housing rights of persons with criminal records.

C.46:8-54 Definitions relative to housing to those with criminal records.

3. As used in this act:

"Applicant" means any person considered for, who requests to be considered for, or who requests to be considered for tenancy within a rental dwelling unit.

"Conditional offer" means an offer to rent or lease a rental dwelling unit to an applicant that is contingent on a subsequent inquiry into the applicant's criminal record, or any other eligibility criteria that the housing provider may lawfully utilize.

"Criminal record" means information about an individual collected by criminal justice agencies consisting of identifiable descriptions and notations of arrests, detentions, indictments, criminal complaints, or other formal criminal charges, and any disposition arising therefrom, including acquittal, sentencing, correctional supervision, release or conviction, including, but not limited to, any sentence arising from a verdict or plea of guilty or nolo contendere, including a sentence of incarceration, a suspended sentence, a sentence of probation, or a sentence of conditional discharge.

"Director" means the Director of the Division on Civil Rights.

"Division" means the Division on Civil Rights in the Department of Law and Public Safety.

"Housing provider" means a landlord, an owner, lessor, sublessor, assignee, or their agent, or any other person receiving or entitled to receive rents or benefits for the use or occupancy of any rental dwelling unit.

“Pending criminal accusation” means an existing accusation that an individual has committed a crime, lodged by a law enforcement agency through an indictment, information, complaint, or other formal charge.

“Rental dwelling unit” means a dwelling unit offered for rent by a housing provider for residential purposes, other than a dwelling unit in an owner-occupied premises of not more than four dwelling units.

C.46:8-55 Application process.

4. a. (1) A housing provider shall not require an applicant to complete any housing application that includes any inquiries regarding an applicant’s criminal record prior to the provision of a conditional offer, except that a housing provider may consider whether an applicant has ever been convicted of drug-related criminal activity for the manufacture or production of methamphetamine on the premises of federally assisted housing, and whether the applicant is subject to a lifetime registration requirement under a State sex offender registration program.

(2) A housing provider shall not make any oral or written inquiry regarding an applicant’s criminal record prior to making a conditional offer.

(3) An applicant may provide evidence to the housing provider demonstrating inaccuracies within the applicant’s criminal record or evidence of rehabilitation or other mitigating factors.

b. Prior to accepting any application fee, a housing provider shall disclose in writing to the applicant:

(1) Whether the eligibility criteria of the housing provider include the review and consideration of criminal history; and

(2) A statement that the applicant, pursuant to subsection a. of this section, may provide evidence demonstrating inaccuracies within the applicant’s criminal record or evidence of rehabilitation or other mitigating factors.

c. A housing provider shall apply the standards established by this section to each applicant in a nondiscriminatory manner.

C.46:8-56 Housing provider’s consideration of applicant’s record.

5. a. A housing provider shall not, either before or after the issuance of a conditional offer, evaluate an applicant based on any of the following types of criminal records:

- (1) arrests or charges that have not resulted in a criminal conviction;
- (2) expunged convictions;
- (3) convictions erased through executive pardon;
- (4) vacated and otherwise legally nullified convictions;
- (5) juvenile adjudications of delinquency; and
- (6) records that have been sealed.

b. After the issuance of a conditional offer to an applicant, a housing provider may only consider a criminal record in the applicant's history that:

(1) resulted in a conviction for murder, aggravated sexual assault, kidnapping, arson, human trafficking, sexual assault in violation of N.J.S.2C:14-2, causing or permitting a child to engage in a prohibited sexual act or in the simulation of such an act in violation of paragraph (3) of subsection b. of N.J.S.2C:24-4, or any crime that resulted in lifetime registration in a state sex offender registry;

(2) is for an indictable offense of the first degree that was issued, or if the conviction resulted in a prison sentence that sentence concluded, within the six years immediately preceding the issuance of the conditional offer;

(3) is for an indictable offense of the second or third degree that was issued, or if the conviction resulted in a prison sentence that sentence concluded, within the four years immediately preceding the issuance of the conditional offer; or

(4) is for an indictable offense of the fourth degree that was issued, or if the conviction resulted in a prison sentence that sentence concluded, within one year immediately preceding the issuance of the conditional offer.

c. (1) A housing provider may withdraw a conditional offer based on an applicant's criminal record only if the housing provider determines, by preponderance of the evidence, that the withdrawal is necessary to fulfill a substantial, legitimate, and nondiscriminatory interest.

(2) If a housing provider withdraws a conditional offer, the housing provider shall provide the applicant with written notification that includes, with specificity, the reason or reasons for the withdrawal of the conditional offer and an opportunity to appeal the denial by providing evidence to the housing provider demonstrating inaccuracies within the applicant's criminal record or evidence of rehabilitation or other mitigating factors.

(3) The housing provider shall perform an individualized assessment of the application in light of the following factors:

(a) the nature and severity of the criminal offense;

(b) the age of the applicant at the time of the occurrence of the criminal offense;

(c) the time which has elapsed since the occurrence of the criminal offense;

(d) any information produced by the applicant, or produced on the applicant's behalf, in regard to the applicant's rehabilitation and good conduct since the occurrence of the criminal offense;

(e) the degree to which the criminal offense, if it reoccurred, would negatively impact the safety of the housing provider's other tenants or property; and

(f) whether the criminal offense occurred on or was connected to property that was rented or leased by the applicant.

d. (1) The applicant may request, within 30 days after the housing provider's notice of the withdrawal, that the housing provider afford the applicant a copy of all information that the housing provider relied upon in considering the applicant, including criminal records.

(2) A housing provider shall provide the information requested under paragraph (1) of this subsection, free of charge, within 10 days after receipt of a timely request.

C.46:8-57 Director preparation of model documents.

6. a. The director shall prepare:

(1) a model disclosure statement as indicated in subsection b. of section 4 of this act which provides notice that a housing provider intends to review and consider a person's criminal record in determining eligibility for housing or in taking any other adverse housing action against that person. The statement shall also provide an explanation of the criminal records that may be considered and the manner in which they may be considered, in accordance with the provisions of section 5 of this act. The statement shall also notify the person of the right to dispute, within 10 days of receiving such statement, the relevance and accuracy of the criminal record and to offer evidence of any mitigating facts or circumstances, including but not limited to the person's rehabilitation and good conduct since the criminal offense in question; and

(2) a model notice that provides notice that a housing provider has withdrawn a conditional offer or taken an adverse housing action based on a person's criminal record, provides space for the housing provider to identify with specificity the reason or reasons for withdrawing the conditional offer or taking the adverse housing action. The notification form shall also notify the person of the right to request from the housing provider a copy of all information upon which the housing provider relied in reaching its decision, including criminal records, and of the right to file a complaint with the division, as well as the applicable statute of limitations, and shall include such other additional information as the director deems appropriate.

b. The model documents prepared pursuant to this section shall be made available on the division's Internet website, at no cost, and shall be in English, Spanish, and in any other language the director deems appropriate.

C.46:8-58 Discriminatory advertisement by house provider, prohibited.

7. a. A housing provider shall not knowingly or purposefully publish, or cause to be published, any housing advertisement that explicitly provides that the housing provider will not consider any applicant who has been arrested or convicted of one or more crimes or offenses, except for drug-related criminal

activity for the manufacture or production of methamphetamine on the premises of federally assisted housing, and whether the applicant is subject to a lifetime registration requirement under a State sex offender registration program.

b. A housing provider shall not print, publish, circulate, issue, display, post, or mail, or cause to be printed, published, circulated, issued, displayed, posted or mailed any statement, advertisement, publication or sign, or use any form of application for the rental, lease, or sublease of any real property or part or portion thereof or make any record or inquiry in connection with the prospective rental, lease, or sublease of any real property or part or portion thereof which expresses, directly or indirectly, any unlawful limitation, specification or discrimination as to criminal record, except as permitted by this act and for drug-related criminal activity for the manufacture or production of methamphetamine on the premises of federally assisted housing, and whether the applicant is subject to a lifetime registration requirement under a State sex offender registration program.

c. Unless otherwise required by law, a housing provider shall not:

(1) distribute or disseminate an applicant's criminal record to any person who is not expected to use the criminal record for the purpose of evaluating the applicant in a manner consistent with this act; or

(2) use an applicant's criminal record for a purpose that is not consistent with this act.

C.46:8-59 Immunity.

8. a. To encourage residential landlords to provide housing opportunities to formerly incarcerated individuals, landlords subject to the provisions of this act shall be immune from liability in any civil action arising as a result of the landlord's decision to rent to individuals with a criminal record or who were otherwise convicted of a criminal offense, or as a result of a landlord's decision to not engage in a criminal background screening.

b. Nothing in subsection a. of this section shall be construed to affect in any way the immunity from liability conferred by law upon a landlord who rents an apartment to a person with a conviction for murder, aggravated sexual assault, kidnapping, arson, human trafficking, sexual assault in violation of N.J.S.2C:14-2, causing or permitting a child to engage in a prohibited sexual act or in the simulation of such an act in violation of paragraph (3) of subsection b. of N.J.S.2C:24-4, or any crime that resulted in lifetime registration in a state sex offender registry.

C.46:8-60 Drug, alcohol test, drug abuse treatment information; requirement by housing provider, prohibited.

9. A housing provider shall not require an applicant to submit to a drug or alcohol test, or request the applicant's consent to obtain information from a drug abuse treatment facility.

C.46:8-61 Unlawful acts by housing provider.

10. A person shall not interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under this act. If the division determines that a housing provider has engaged in one or more unlawful actions against a person with the intent of retaliating for the person's filing of an action against the housing provider pursuant to section 12 of this act, then each unlawful retaliatory action shall be enforced, pursuant to section 12 of this act, as a separate and distinct violation of this act.

C.46:8-62 Complaint data maintenance.

11. The division shall maintain data on the number of complaints filed pursuant to this act, demographic information on the complainants, the identity of the housing providers, the number of investigations conducted, and the disposition of every complaint and investigation. The division shall annually publish and post on the division's Internet website, information on substantiated complaints that have resulted in the issuance of a monetary penalty pursuant to section 12 of this act. The division shall not publish on the division's Internet website information regarding any complaint against a housing provider for which the housing provider is in good faith compliance with the requirements made by the director pursuant to subsection a. of section 12 of this act.

C.46:8-63 Complaints, actions sought against housing provider.

12. a. An action that alleges a violation of this act shall not be initiated by any person in court. The director, or an applicant or prospective applicant who believes that a housing provider has violated a provision of this act with respect to that applicant or prospective applicant, may file a complaint with the division. Upon the filing of a complaint by a person other than the director, the division shall make a good faith effort to notify the housing provider of the alleged violation and offer the housing provider the opportunity to mediate and address the complaint within 14 days of receiving the notice. The division shall not subject a housing provider to any penalty pursuant to subsection c. of this section if the complaint is addressed pursuant to the process identified in this subsection.

b. If the complaint is not resolved in accordance with subsection a. of this section, and the division determines following an investigation that the complaint is substantiated, the director shall issue a monetary penalty against

the housing provider and may require the housing provider to take one or more of the actions authorized by subsection d. of this section.

(1) A housing provider may appeal a final decision by the director issued pursuant to this section to the Appellate Division of the Superior Court.

(2) A complainant may appeal, to the Appellate Division of the Superior Court, a finding by the director following an investigation that the complaint is not substantiated, but the complainant may not appeal a decision by the director not to investigate a complaint.

c. A housing provider who violates a provision of this act shall be liable for the following applicable penalties:

(1) an amount not to exceed \$1,000 if the housing provider has not committed any prior violation within the five-year period ending on the date of the filing of the charge;

(2) an amount not to exceed \$5,000 if the housing provider has committed one other violation within the five-year period ending on the date of the filing of the charge; and

(3) an amount not to exceed \$10,000 if the housing provider has committed two or more other violations within the seven-year period ending on the date of the filing of the charge.

d. The director is authorized to require a housing provider to take one or more of the following actions upon a finding that the housing provider has violated a provision of this act:

(1) The director may require a housing provider to cease and desist from continuing to violate this act; to communicate in writing to the housing provider's employees and agents their obligations under this act; and to report to the director on the manner of compliance for a period not to exceed two years provided that the housing provider does not commit future violations of the act;

(2) If a housing provider has committed at least one other violation of this act within the preceding five-year period, the director may require the housing provider to make a good faith effort to remedy the violation with respect to the applicant when a remedy is possible, by issuing a conditional offer, if the violation has resulted in a failure to issue a conditional offer, or by providing the same or a similar rental dwelling unit to the applicant on the same terms as the prior conditional offer if the same or a similar rental dwelling unit is currently or will become available, if the violation has resulted in the withdrawal of a conditional offer. Notwithstanding any provision of the Anti-Eviction Act, P.L.1974, c.49 (C.2A:18-61.1 et seq.) to the contrary, if an appeal by a housing provider is successful, and the court overturns a final decision of the director that resulted in an order under this

paragraph, then a determination that the housing provider did not violate the provisions of this act as evidenced by such successful appeal shall be grounds for the housing provider to evict the former applicant if that person resides in a rental dwelling unit owned by the housing provider as the result of the director's order, so long as the housing provider provides the applicant with at least 45 days' notice prior to the eviction;

(3) Unless housing is provided to the applicant pursuant to paragraph (2) of this subsection, the director may require that the applicant's rental application fee be returned; and

(4) The director may require that a portion of the sum owed by the housing provider pursuant to subsection c. of this section be paid to the applicant in an amount not to exceed \$1,000.

e. Nothing herein contained shall bar, exclude or otherwise affect any right or action which may exist independently of any right or action created herein, including but not limited to any right or action under P.L.1945, c.169 (C.10:5-1 et seq.).

C.46:8-64 Rules, regulations.

13. In accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the director shall adopt the rules and regulations necessary to effectuate the purposes of this act on or before the first day of the fifth month next following enactment.

14. This act shall take effect on the first day of the seventh month next following the date of enactment, but the division may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act.

Approved June 18, 2021.

CHAPTER 111

A SUPPLEMENT to the Fiscal Year 2021 appropriations act, P.L.2020, c.97.

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

1. In addition to the amounts appropriated under P.L.2020, c.97, the annual appropriations act for Fiscal Year 2021, there is appropriated the following sum for the purpose specified:

82 DEPARTMENT OF THE TREASURY
50 Economic Planning, Development, and Security
51 Economic Planning and Development
GRANTS-IN-AID

38-2043 Economic Development	<u>\$120,000,000</u>
Total Grants-in-Aid Appropriation,	<u>\$120,000,000</u>
Economic Planning and Development	

Grants-in-Aid:

38 Assistance to Microbusinesses, EDA.....(\$120,000,000)

The amount hereinabove appropriated for Assistance to Microbusinesses, EDA, shall be allocated to the New Jersey Economic Development Authority to provide financial assistance to eligible microbusinesses, pursuant to section 1 of P.L.2021, c.42. The authority may transfer the uncommitted balance of any funds hereinabove appropriated for Assistance to Microbusinesses, EDA, for the purposes of any program established pursuant to P.L.2021, c.43, P.L.2021, c.45, P.L.2021, c.46, or P.L.2021, c.47, as well as the Sustain and Serve NJ Program and the Startup Business and Nonprofit Assistance Program, established pursuant to P.L.2021, c.115; provided, however, that the authority shall submit notice to the Joint Budget Oversight Committee no less than five calendar days before the date of the transfer. At a minimum, the notice shall indicate the amount of and purpose for the transferred funds.

The amount hereinabove appropriated for Assistance to Microbusinesses, EDA, is conditioned upon the submission of a report by the Chief Executive Officer of the New Jersey Economic Development Authority to the Governor and the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), detailing the expenditure of program funds. At a minimum, the report shall indicate the number of microbusinesses that applied for financial assistance; the number of microbusinesses that received financial assistance; the amount of financial assistance provided to each recipient; and a brief description of each recipient.

Of the amounts hereinabove appropriated to the New Jersey Economic Development Authority for Assistance to Food and Beverage Establishments, Assistance to Businesses and Nonprofits, Assistance to Child Care Providers, Assistance to Microbusinesses, the Sustain and Serve NJ Program, and the Startup Business and Nonprofit Assistance Program, the authority may retain not more than \$1,000,000 to defray administrative expenses.

2. This act shall take effect immediately.

Approved June 22, 2021.

CHAPTER 112

A SUPPLEMENT to the Fiscal Year 2021 appropriations act, P.L.2020, c.97.

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

1. In addition to the amounts appropriated under P.L.2020, c.97, the annual appropriations act for Fiscal Year 2021, there is appropriated the following sum for the purpose specified:

82 DEPARTMENT OF THE TREASURY
50 Economic Planning, Development, and Security
51 Economic Planning and Development
GRANTS-IN-AID

38-2043 Economic Development	<u>\$10,000,000</u>
Total Grants-in-Aid Appropriation;	<u>\$10,000,000</u>
Economic Planning and Development	

Grants-in-Aid:

38 Assistance to Child Care Providers, EDA..... (\$10,000,000)

The amount hereinabove appropriated for Assistance to Child Care Providers, EDA, shall be allocated to the New Jersey Economic Development Authority to provide financial assistance to eligible child care providers, pursuant to section 1 of P.L.2021, c.47. The authority may transfer the uncommitted balance of any funds hereinabove appropriated for Assistance to Child Care Providers, EDA, for the purposes of any program established pursuant to P.L.2021, c.42, P.L.2021, c.43, P.L.2021, c.45, or P.L.2021, c.46, as well as the Sustain and Serve NJ Program and the Startup Business and Nonprofit Assistance Program, established pursuant to P.L.2021, c.115; provided, however, that the authority shall submit notice to the Joint Budget Oversight Committee no less than five calendar days before the date of the transfer. At a minimum, the notice shall indicate the amount of and purpose for the transferred funds.

The amount hereinabove appropriated for Assistance to Child Care Providers, EDA, is conditioned upon the submission of a report by the Chief Executive Officer of the New Jersey Economic Development Authority to the Governor and the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), detailing the expenditure of program funds. At a minimum, the report shall indicate the number of child care providers that applied for financial assistance; the number of child care providers that received financial assistance; the amount of financial assistance provided to each recipient; and a brief description of each recipient.

Of the amounts appropriated to the New Jersey Economic Development Authority for Assistance to Food and Beverage Establishments, Assistance to Businesses

and Nonprofits, Assistance to Child Care Providers, Assistance to Microbusinesses, the Sustain and Serve NJ Program, and the Startup Business and Nonprofit Assistance Program, the authority may retain not more than \$1,000,000 to defray administrative expenses.

2. This act shall take effect immediately.

Approved June 22, 2021.

CHAPTER 113

A SUPPLEMENT to the Fiscal Year 2021 appropriations act, P.L.2020, c.97.

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

1. In addition to the amounts appropriated under P.L.2020, c.97, the annual appropriations act for Fiscal Year 2021, there is appropriated the following sum for the purpose specified:

82 DEPARTMENT OF THE TREASURY
50 Economic Planning, Development, and Security
51 Economic Planning and Development
GRANTS-IN-AID

38-2043 Economic Development	\$20,000,000
Total Grants-in-Aid Appropriation,	\$20,000,000
Economic Planning and Development	

Grants-in-Aid:

38 Assistance to Food and Beverage	(\$20,000,000)
Establishments, EDA	

The amount hereinabove appropriated for Assistance to Food and Beverage Establishments, EDA, shall be allocated to the New Jersey Economic Development Authority to provide financial assistance to eligible food and beverage establishments, pursuant to section 1 of P.L.2021, c.45. The authority may transfer the uncommitted balance of any funds hereinabove appropriated for Assistance to Food and Beverage Establishments, EDA, for the purposes of any program established pursuant to P.L.2021, c.42, P.L.2021, c.43, P.L.2021, c.46, or P.L.2021, c.47, as well as the Sustain and Serve NJ Program and the Startup Business and Nonprofit Assistance Program, established pursuant to P.L.2021, c.115; provided, however, that the authority shall submit notice to the Joint Budget Oversight Committee no less than five calendar days before the date of the transfer. At a minimum, the notice shall indicate the amount of and purpose for the transferred funds.

The amount hereinabove appropriated for Assistance to Food and Beverage Establishments, EDA, is conditioned upon the submission of a report by the Chief Executive Officer of the New Jersey Economic Development Authority to the Governor and the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), detailing the expenditure of program funds. At a minimum, the report shall indicate the number of food and beverage establishments that applied for financial assistance; the number of food and beverage establishments that received financial assistance; the amount of financial assistance provided to each recipient; and a brief description of each recipient.

Of the amounts appropriated to the New Jersey Economic Development Authority for Assistance to Food and Beverage Establishments, Assistance to Businesses and Nonprofits, Assistance to Child Care Providers, Assistance to Microbusinesses, the Sustain and Serve NJ Program, and the Startup Business and Non-profit Assistance Program, the authority may retain not more than \$1,000,000 to defray administrative expenses.

2. This act shall take effect immediately.

Approved June 22, 2021.

CHAPTER 114

A SUPPLEMENT to the Fiscal Year 2021 appropriations act, P.L.2020, c.97.

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

1. In addition to the amounts appropriated under P.L.2020, c.97, the annual appropriations act for Fiscal Year 2021, there is appropriated the following sum for the purpose specified:

82 DEPARTMENT OF THE TREASURY
50 Economic Planning, Development, and Security
51 Economic Planning and Development
GRANTS-IN-AID

38-2043 Economic Development	<u>\$50,000,000</u>
Total Grants-in-Aid Appropriation,	<u>\$50,000,000</u>
Economic Planning and Development	

Grants-in-Aid:

38 Assistance to Businesses	(\$50,000,000)
and Nonprofits, EDA	

The amount hereinabove appropriated for Assistance to Businesses and Nonprofits, EDA, shall be allocated to the New Jersey Economic Development Authority to provide financial assistance to eligible businesses and nonprofit organizations, pursuant to section 1 of P.L.2021, c.46. The authority may transfer the uncommitted balance of any funds hereinabove appropriated for Assistance to Businesses and Nonprofits, EDA, for the purposes of any program established pursuant to P.L.2021, c.42, P.L.2021, c.43, P.L.2021, c.45, or P.L.2021, c.47, as well as the Sustain and Serve NJ Program and the Startup Business and Nonprofit Assistance Program, established pursuant to P.L.2021, c.115; provided, however, that the authority shall submit notice to the Joint Budget Oversight Committee no less than five calendar days before the date of the transfer. At a minimum, the notice shall indicate the amount of and purpose for the transferred funds.

The amount hereinabove appropriated for Assistance to Businesses and Nonprofits, EDA, is conditioned upon the submission of a report by the Chief Executive Officer of the New Jersey Economic Development Authority to the Governor and the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), detailing the expenditure of program funds. At a minimum, the report shall indicate the number of businesses and nonprofit organizations that applied for financial assistance; the number of businesses and nonprofit organizations that received financial assistance; the amount of financial assistance provided to each recipient; and a brief description of each recipient.

Of the amounts appropriated to the New Jersey Economic Development Authority for Assistance to Food and Beverage Establishments, Assistance to Businesses and Nonprofits, Assistance to Child Care Providers, Assistance to Microbusinesses, the Sustain and Serve NJ Program, and the Startup Business and Nonprofit Assistance Program, the authority may retain not more than \$1,000,000 to defray administrative expenses.

2. This act shall take effect immediately.

Approved June 22, 2021.

CHAPTER 115

AN ACT establishing the Startup Business and Nonprofit Assistance Program to support new businesses and nonprofit organizations following the COVID-19 pandemic and making an appropriation.

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

1. a. There is established within the authority the Startup Business and Nonprofit Assistance Program. The program shall provide grants to support

the creation and development of new businesses and nonprofit organizations following the COVID-19 pandemic.

b. When awarding grants under the program, the authority shall prioritize new businesses and nonprofit organizations that physically occupy commercial properties, including retail storefronts, that have become vacant or underutilized during the COVID-19 pandemic. The authority shall award grants with a sense of urgency to minimize the economic disruption caused by the COVID-19 pandemic and to spur economic recovery following the pandemic.

c. The authority shall issue guidance concerning the distribution of program grants. At a minimum, the guidance shall:

(1) establish eligibility criteria for the program, provided that grants shall be made available to eligible new businesses and nonprofit organizations located in all areas of the State;

(2) provide for rolling application periods and appropriate application submission deadlines;

(3) designate limitations on the maximum award of grants, which limitations shall be sufficiently high so as to meaningfully support the creation and development of new businesses and nonprofit organizations;

(4) designate permitted uses of grant financing, which uses shall be reasonably flexible to accommodate unanticipated startup expenses; and

(5) establish criteria for the approval of program applicants, which criteria shall include the priority required under subsection b. of this section.

d. Until all available funds have been committed, the authority shall conduct regular outreach efforts to publicize the availability of program grants.

e. Within one year of the effective date of P.L.2021, c.115, and each year thereafter until all available funds have been expended, the authority shall submit a report to the Governor and the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), detailing the expenditure of program funds. At a minimum, the report shall indicate:

(1) the number of businesses and nonprofit organizations that applied for financial assistance;

(2) the number of businesses and nonprofit organizations that received financial assistance;

(3) the amount of financial assistance provided to each recipient; and

(4) a brief description of each recipient.

f. As used in this section:

“Authority” means the New Jersey Economic Development Authority established pursuant to P.L.1974, c.80 (C.34:1B-1 et seq.).

“New businesses and nonprofit organizations” means business entities and nonprofit organizations that commenced all operations after the issuance of Executive Order No. 103 of 2020, and employ 50 or fewer full-time employees.

2. a. There is appropriated \$25 million from the General Fund to the New Jersey Economic Development Authority to support the operations of the Startup Business and Nonprofit Assistance Program established pursuant to section 1 of P.L.2021, c.115.

b. The authority may transfer the uncommitted balance of any funds appropriated under this section for the purposes of any program established pursuant to P.L.2021, c.42, P.L.2021, c.43, P.L.2021, c.45, P.L.2021, c.46, or P.L.2021, c.47, as well as the Sustain and Serve NJ Program; provided, however, that the authority shall submit notice to the Joint Budget Oversight Committee no less than five calendar days before the date of the transfer. At a minimum, the notice shall indicate the amount of and purpose for the transferred funds.

c. Of the sum of all amounts appropriated from the General Fund to the New Jersey Economic Development Authority in Fiscal Year 2021 for Assistance to Food and Beverage Establishments, Assistance to Businesses and Nonprofits, Assistance to Child Care Providers, Assistance to Microbusinesses, the Sustain and Serve NJ Program, and the Startup Business and Nonprofit Assistance Program, the authority may retain not more than \$1 million to defray administrative expenses.

3. This act shall take effect immediately.

Approved June 22, 2021.

CHAPTER 116

A SUPPLEMENT to the Fiscal Year 2021 appropriations act, P.L.2020, c.97.

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

1. In addition to the amounts appropriated under P.L.2020, c.97, the annual appropriations act for Fiscal Year 2021, there is appropriated the following sum for the purpose specified:

82 DEPARTMENT OF THE TREASURY
50 Economic Planning, Development, and Security
51 Economic Planning and Development
GRANTS-IN-AID

38-2043 Economic Development	<u>\$10,000,000</u>
Total Grants-in-Aid Appropriation,	<u>\$10,000,000</u>
Economic Planning and Development	

Grants-in-Aid:

38 Sustain and Serve.....	(\$10,000,000)
NJ Program, EDA	

The amount hereinabove appropriated for the Sustain and Serve NJ Program, EDA, shall be allocated to the New Jersey Economic Development Authority to support the Sustain and Serve NJ Program. The authority may transfer the uncommitted balance of any funds hereinabove appropriated for the Sustain and Serve NJ Program, EDA, for the purposes of any program established pursuant to P.L.2021, c.42, P.L.2021, c.43, P.L.2021, c.45, P.L.2020, c.46, or P.L.2021, c.47, as well as the Startup Business and Nonprofit Assistance Program, established pursuant to P.L.2021, c.115; provided, however, that the authority shall submit notice to the Joint Budget Oversight Committee no less than five calendar days before the date of the transfer. At a minimum, the notice shall indicate the amount of and purpose for the transferred funds.

The amount hereinabove appropriated for the Sustain and Serve NJ Program, EDA, is conditioned upon the submission of a report by the Chief Executive Officer of the New Jersey Economic Development Authority to the Governor and the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), detailing the expenditure of program funds. At a minimum, the report shall indicate the number of organizations that applied for financial assistance; the number of organizations that received financial assistance; the amount of financial assistance provided to each recipient; and a brief description of each recipient.

Of the amounts appropriated to the New Jersey Economic Development Authority for Assistance to Food and Beverage Establishments, Assistance to Businesses and Nonprofits, Assistance to Child Care Providers, Assistance to Microbusinesses, the Sustain and Serve NJ Program, and the Startup Business and Nonprofit Assistance Program, the authority may retain not more than \$1,000,000 to defray administrative expenses.

2. This act shall take effect immediately.

Approved June 22, 2021.

CHAPTER 117

AN ACT establishing the “New Jersey One Health Task Force,” and supplementing Title 4 of the Revised Statutes.

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

C.4:1-49 Findings, declaration relative to “One Health”.

1. The Legislature finds and declares that:

a. The term “One Health” reflects the interconnectedness of human health, animal health, and the environment;

b. The strong connections and interdependency between human, companion animal, livestock, and ecosystem health are recognized in the One Health initiative framework, which facilitates addressing complex, multi-disciplinary issues such as zoonotic diseases, vector-borne diseases, and antimicrobial resistance;

c. Existing One Health initiatives at the federal level include the One Health Office established by the federal Centers for Disease Control and Prevention and the One Health Coordination Center established by the United States Department of Agriculture’s Animal and Plant Health Inspection Service, and worldwide more than 950 prominent scientists, physicians, and veterinarians have endorsed the One Health initiative;

d. Awareness and collaboration among disciplines will help protect the environment, the health of all species, save lives in present and future generations, and increase quality of life, physical and mental health, and productivity;

e. The term “One Health” recognizes that the health of people is connected to the health of animals and the environment and is described as a collaborative, multi-sector, and transdisciplinary approach, working at the local, regional, national, and global levels, with the goal of achieving optimal health outcomes recognizing the interconnection between people, animals, plants, and their shared environment;

f. One Health is not a new concept, but it has become increasingly important in recent years as many factors have changed interactions between people, animals, and the environment, leading to the emergence or reemergence of many diseases;

g. A One Health approach is important because: six out of every 10 infectious diseases in humans are spread from animals; animals can sometimes serve as early warning signs of potential illness in people; and public

health preparedness depends on agriculture in a variety of ways, including the cultivation of a wide-range of vaccines in poultry eggs; and

h. It is, therefore, in the public interest for the State to establish a permanent New Jersey One Health Task Force to promote the health and well-being of New Jersey's residents, animals, including pets, livestock, and wildlife, and natural resources by encouraging the collaborative efforts of experts and leveraging knowledge and resources effectively.

C.4:1-50 "New Jersey One Health Task Force", established; goals, responsibilities.

2. a. There is established the "New Jersey One Health Task Force" in the Department of Agriculture. The purpose of the task force shall be to develop a strategic plan to promote inter-disciplinary communication and collaboration between physicians, veterinarians, and other scientific professionals and State agencies, with the goal of promoting the health and well-being of the State's residents, animals, and environment.

b. The goals and responsibilities of the task force shall include, but are not limited to:

(1) development of a plan to promote inter-disciplinary communication and collaboration between human, animal, and environment health professionals;

(2) development of protocols for the response to, and recovery from, zoonotic disease outbreaks in animals and humans;

(3) development of better diagnostic tests for zoonotic, vector-borne, and environmental diseases;

(4) collaboration among disciplines for development of effective xeno-surveillance to identify genetic signatures of pathogens in vertebrates;

(5) promotion of and education concerning judicious antibiotic use by human, veterinary, and agriculture health professionals;

(6) investigation of antibiotic alternatives, such as bacteriophage therapy;

(7) coordination and collaboration among appropriate entities to develop new approaches to reduce hazards to human and animal health and to address public health threats in a manner that prevents duplication; and

(8) educational and outreach initiatives to promote the One Health approach across State government agencies, the State's academic and research institutions, nongovernmental organizations, and private entities.

c. In executing its responsibilities, the task force shall identify and partner with academic institutions and nongovernmental organizations in the State and consult with associations, organizations, and individuals who are knowledgeable about the One Health initiative.

C.4:1-51 Membership.

3. a. The New Jersey One Health Task Force shall consist of 13 members as follows:

(1) the Secretary of Agriculture, or the secretary's designee, who shall serve ex officio;

(2) the Commissioner of Environmental Protection, or the commissioner's designee, who shall serve ex officio;

(3) the Commissioner of Health, or the commissioner's designee, who shall serve ex officio;

(4) 10 public members to be appointed by the Governor, as follows:

(a) one person representing the medical community, who is a medical practitioner licensed to practice in the State;

(b) two people who are veterinarians licensed or approved to practice in the State by the State Board of Veterinary Medical Examiners, one of whom shall have expertise, knowledge, and experience with farm animals;

(c) one person with expertise, knowledge, and experience in medical research;

(d) one person with expertise, knowledge, and experience in zoonotic diseases;

(e) two people with expertise, knowledge, and experience in epidemiology or biomedical sciences; and

(f) three people representing the State's academic community with expertise, knowledge, and experience in public health, ecology, natural resources, or environmental and biological sciences.

b. Each public member of the task force shall serve for a term of four years, except that, of the members first appointed, two appointees shall serve for terms of four years, three appointees shall serve for terms of three years, three appointees shall serve for terms of two years, and two appointees shall serve for terms of one year. Each member shall hold office for the term of appointment, and until the member's successor is appointed and qualified.

Any vacancy in the task force membership shall be filled for the unexpired term, in the same manner provided for the original appointment. Members are eligible for reappointment to the task force.

c. The task force shall organize as soon as practicable after the appointment of a majority of its members, and shall select a chairperson and a vice-chairperson from among its members, as well as a secretary who need not be a member of the task force. A majority of the membership of the task force shall constitute a quorum for the transaction of task force business. The task force may meet and hold hearings at the place or places as it shall designate.

d. The members of the task force shall serve without compensation, but may be reimbursed for travel and other necessary expenses incurred in the performance of their duties, within the limits of funds appropriated or otherwise made available to the task force for its purposes.

e. The Department of Agriculture shall provide professional and clerical staff to the task force as may be necessary for the task force's purposes. The task force shall also be entitled to call upon the services of any State, county, or municipal department, board, commission, or agency, as may be available to it for its purposes.

f. The task force may solicit and receive grants and other funds that are made available for the task force's purposes by any governmental, public, private, not-for-profit, or for-profit agency, including funds that are made available under any federal or State law, regulation, or program.

C.4:1-52 Report to Governor.

4. Within 12 months after the task force's organizational meeting, and at least biennially thereafter, the task force shall submit a written report to the Governor, and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature, summarizing its work in the prior year, which report may include any recommendations for legislative or regulatory action to improve, promote, and protect the health and well-being of the State's residents, animals, and environment. Reports issued pursuant to this section shall be posted on the Internet website of the Department of Agriculture, the Department of Environmental Protection, and the Department of Health.

5. This act shall take effect immediately.

Approved June 24, 2021.

CHAPTER 118

AN ACT concerning medical cannabis and amending P.L.2019, c.153 and P.L.2009, c.307.

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

1. Section 5 of P.L.2019, c.153 (C.24:6I-5.1) is amended to read as follows:

C.24:6I-5.1 Authorization process for dispensation.

5. a. A health care practitioner shall not be required to be listed publicly in any medical cannabis practitioner registry as a condition of authorizing patients for the medical use of cannabis.

b. No authorization for the medical use of cannabis may be issued by a health care practitioner to the practitioner's own self or to a member of the practitioner's immediate family.

c. The commission shall establish a process to allow medical cannabis to be dispensed to a patient who has been authorized for the medical use of cannabis and who has initiated the process of registering with the commission pursuant to section 4 of P.L.2009, c.307 (C.24:6I-4), but whose registration has not been completed or subject to other final action by the commission. A patient may be dispensed medical cannabis in quantities of up to a two-week supply during the pendency of the patient's registration, after which time the patient may be dispensed medical cannabis in an amount consistent with the requirements of section 10 of P.L.2009, c.307 (C.24:6I-10). The commission shall impose such restrictions on access to medical cannabis pursuant to this subsection as shall be necessary to protect against fraud, abuse, and diversion.

d. A health care practitioner may initially authorize any qualifying patient for the medical use of cannabis using telemedicine or telehealth, provided that the use of telemedicine or telehealth, rather than an in-person visit, is consistent with the standard of care required for assessment and treatment of the patient's condition. Following the initial authorization, the practitioner may provide continued authorization for the use of medical cannabis via telemedicine or telehealth if the practitioner determines that an in-person visit is not required, consistent with the standard of care. The practitioner may require in-office consultations if additional consultations are necessary to continue to authorize the patient's use of medical cannabis.

As used in this subsection, "telehealth" and "telemedicine" shall have the same meaning as is provided in section 1 of P.L.2017, c.117 (C.45:1-61).

2. Section 10 of P.L.2009, c.307 (C.24:6I-10) is amended to read as follows:

C.24:6I-10 Written instructions to registered qualifying patient, designated, institutional caregiver.

10. a. A health care practitioner shall provide written instructions for a registered qualifying patient or the patient's designated caregiver, or an institutional caregiver acting on behalf of the patient, to present to a medical cannabis dispensary or a clinical registrant concerning the total amount of usable cannabis that a patient may be dispensed, in weight, in a 30-day period,

which amount shall not exceed the maximum amount that may be authorized for the patient pursuant to subsection f. of this section.

b. A health care practitioner may issue multiple written instructions at one time authorizing the patient to receive a total of up to a one-year supply, provided that the following conditions are met:

(1) Each separate set of instructions shall be issued for a legitimate medical purpose by the health care practitioner, as provided in P.L.2009, c.307 (C.24:6I-1 et al.);

(2) Each separate set of instructions shall indicate the earliest date on which a dispensary or clinical registrant may dispense the cannabis, except for the first dispensation if it is to be filled immediately; and

(3) The health care practitioner has determined that providing the patient with multiple instructions in this manner does not create an undue risk of diversion or abuse.

c. A registered qualifying patient or the patient's designated caregiver, or an institutional caregiver acting on behalf of a qualifying patient, shall present verification of the patient's or caregiver's registration with the commission, as applicable, and these written instructions to any medical cannabis dispensary or clinical registrant at the time the patient or caregiver requests the dispensing or delivery of medical cannabis, which medical cannabis dispensary or clinical registrant shall verify and log the documentation presented. An institutional caregiver shall additionally present an authorization executed by the patient certifying that the institutional caregiver is authorized to obtain medical cannabis on behalf of the patient. A health care practitioner may provide a copy of a written instruction by electronic or other means, including, but not limited to, telemedicine and telehealth, as determined by the commission, directly to a medical cannabis dispensary or a clinical registrant on behalf of a registered qualifying patient. The dispensation of medical cannabis pursuant to any written instructions shall occur within one year of the date that the instructions were written or become eligible for dispensing, whichever is later, or the instructions are void.

d. (Deleted by amendment, P.L.2019, c.153)

e. Prior to dispensing medical cannabis to a qualifying patient, the patient's designated caregiver, or an institutional caregiver, the medical cannabis dispensary or clinical registrant shall access the system established pursuant to section 11 of P.L.2009, c.307 (C.45:1-45.1) to ascertain whether medical cannabis was dispensed to or on behalf of the patient by any medical cannabis dispensary or clinical registrant within the preceding 30 days. Upon dispensing medical cannabis to a qualifying patient, the patient's designated caregiver,

or an institutional caregiver, the medical cannabis dispensary or clinical registrant shall transmit to the patient's health care practitioner information concerning the amount, strain, and form of medical cannabis that was dispensed.

f. (1) Except as provided in paragraph (2) of this subsection, for a period of 18 months after the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.), the maximum amount of usable cannabis that a patient may be dispensed, in weight, in a 30-day period, shall be three ounces. Commencing 18 months after the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.), the maximum amount of usable cannabis that a patient may be dispensed shall be prescribed by the commission by regulation.

(2) The monthly limits set forth in paragraph (1) of this subsection shall not apply to patients who are terminally ill or who are currently receiving hospice care through a licensed hospice, which patients may be dispensed an unlimited amount of medical cannabis. Qualifying patients who are not receiving hospice care or who are not terminally ill may petition the commission, on a form and in a manner as the commission shall require by regulation, for an exemption from the monthly limits set forth in paragraph (1) of this paragraph, which petition the commission shall approve if the commission finds that granting the exemption is necessary to meet the patient's treatment needs and is consistent with the provisions of P.L.2009, c.307 (C.24:6I-1 et al.).

g. The commission shall establish, by regulation, curricula for health care practitioners and for staff at medical cannabis dispensaries and clinical registrants:

(1) The curriculum for health care practitioners shall be designed to assist practitioners in counseling patients with regard to the quantity, dosing, and administration of medical cannabis as shall be appropriate to treat the patient's qualifying medical condition. Health care practitioners shall complete the curriculum as a condition of authorizing patients for the medical use of cannabis; and

(2) The curriculum for employees of medical cannabis dispensaries and clinical registrants shall be designed to assist the employees in counseling patients with regard to determining the strain and form of medical cannabis that is appropriate to treat the patient's qualifying medical condition. Employees of medical cannabis dispensaries and clinical registrants shall be required to complete the curriculum as a condition of registration with the commission. Completion of the curriculum may constitute part of the annual training required pursuant to paragraph (1) of subsection j. of section 7 of P.L.2009, c.307 (C.24:6I-7).

h. Commencing July 1, 2020, the amount of the sales tax that may be imposed under the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et

seq.) on medical cannabis dispensed by a medical cannabis dispensary or clinical registrant shall not exceed four percent.

Commencing July 1, 2021, the amount of the sales tax that may be imposed under the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.) on medical cannabis dispensed by a medical cannabis dispensary or clinical registrant shall not exceed two percent.

Commencing July 1, 2022, medical cannabis dispensed by a medical cannabis dispensary or clinical registrant shall not be subject to any tax imposed under the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.).

Any revenue collected pursuant to a tax imposed on the sale of medical cannabis under the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.), shall be exclusively appropriated to programs for the treatment of mental health and substance use disorders.

i. A municipality in which a medical cannabis dispensary is located may adopt an ordinance imposing a transfer tax on any medical cannabis dispensed by the dispensary, including medical cannabis that is furnished by the dispensary to a medical cannabis handler for delivery to a registered qualifying patient or the patient's caregiver. The rate of a transfer tax established pursuant to this subsection shall be at the discretion of the municipality, except that in no case shall the rate exceed two percent of the purchase price of the medical cannabis.

3. This act shall take effect immediately.

Approved June 24, 2021.

CHAPTER 119

AN ACT concerning certain highway and bridge contracts and supplementing Title 52 of the Revised Statutes.

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

C.52:33-4.1 Short title.

1. This act shall be known and may be cited as the "New Jersey Buy American Act."

C.52:33-4.2 Definitions relative to surface highway or bridge contracts.

2. As used in P.L.2021, c.119 (C.52:33-4.1 et seq.):

"Permanently incorporated" means an iron or steel product that is required to remain in place at the completion of the surface highway or bridge contract, in a fixed location, affixed to the surface highway or bridge to which it was incorporated. Iron and steel products that are capable of being moved from one location to another shall not be considered permanently incorporated into a surface highway or bridge.

"State contracting agency" or "agency" means any of the principal departments in the Executive Branch of State Government, any division, board, bureau, office, commission, or other instrumentality created by a principal department, and any independent State authority.

"Surface highway or bridge contract" means a contract entered into by a State contracting agency involving the construction, reconstruction, alteration, repair, maintenance, or improvement of any surface highway or bridge under the jurisdiction or control of that agency.

C.52:33-4.3 Contract provision, products used, produced in United States.

3. Notwithstanding the provisions of any law, rule, regulation, or order to the contrary, any surface highway or bridge contract made and awarded by a State contracting agency, shall contain a provision requiring that any iron or steel product used or supplied in the performance of the surface highway or bridge contract, or any subcontract thereto, and permanently incorporated into the surface highway or bridge, including miscellaneous components, as determined pursuant to regulations adopted by the State contracting agency, such as nuts and bolts and iron and steel that is a component of other items such as reinforced steel within precast concrete items, shall be produced or made, in whole, or in substantial part as determined by the State contracting agency, in the United States. In the case of a structural iron or structural steel product, all manufacturing shall take place in the United States, from the initial melting stage through the application of coatings, except metallurgical processes involving the refinement of steel additives.

C.52:33-4.4 Inapplicability of act.

4. The provisions of P.L.2021, c.119 (C.52:33-4.1 et seq.) shall not apply to a surface highway or bridge contract if the head of a State contracting agency constructing a surface highway or bridge, in the head of the agency's sole discretion, determines that:

- a. complying with the provisions of P.L.2021, c.119 (C.52:33-4.1 et seq.):
 - (1) would not be in the public interest; or
 - (2) would result in the loss or reduction of federal funding for the surface highway or bridge contract, or the ability to obtain that federal funding would

be limited or jeopardized by the agency's compliance with P.L.2021, c.119 (C.52:33-4.1 et seq.);

b. there is an immediate or emergency need existing for the structural iron or structural steel;

c. the structural iron or structural steel is not manufactured in the United States in sufficient and reasonably available quantities or of satisfactory quality or design to meet the State contracting agency's requirements;

d. obtaining the iron or steel product in the United States would increase the cost of the overall construction project contract by more than 25 percent;

e. the iron or steel is necessary for the operation of or repairs of critical infrastructure that is necessary to avoid a delay in the delivery of critical services that could compromise the public welfare;

f. a reciprocal trade agreement or treaty has been negotiated by the State or by the United States government on behalf of or including this State with a foreign nation or government providing for nondiscriminatory governmental procurement practices or policies with that foreign nation or government; or

g. the design and environmental studies for the surface highway or bridge project have commenced prior to the effective date of P.L.2021, c.119 (C.52:33-4.1 et seq.).

C.52:33-4.5 Contravening unintended.

5. Nothing in P.L.2021, c.119 (C.52:33-4.1 et seq.) is intended to contravene any existing treaties, laws, trade agreements, or regulations of the United States or subsequent trade agreements entered into between any foreign countries and this State or the United States.

C.52:33-4.6 Rules, regulations.

6. Notwithstanding the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to the contrary, any State contracting agency subject to the provisions of P.L.2021, c.119 (C.52:33-4.1 et seq.) may adopt, immediately upon filing with the Office of Administrative Law, rules and regulations as necessary to implement the provisions of P.L.2021, c.119 (C.52:33-4.1 et seq.), which regulations shall be effective for a period not to exceed 365 days from the date of filing. The rules and regulations shall thereafter be amended, adopted, or readopted in accordance with the requirements of P.L.1968, c.410 (C.52:14B-1 et seq.).

7. This act shall take effect immediately but shall not apply to any surface highway or bridge contract that has been previously awarded, or has

pending bids or pending requests for proposals issued, as of the effective date of this act.

Approved June 24, 2021.

CHAPTER 120

AN ACT concerning maternal mental health.

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

1. a. The Department of Health shall identify and take appropriate steps to secure federal sources of funding to support maternal mental health in the State, including, but not limited to, the grant available pursuant to section 10005 of the federal “21st Century Cures Act,” Pub. L. 114-255, 42 U.S.C. s.247b-13a.

b. No later than September 1, 2021, the department shall report to the Grants Management Office established in the Office of the Treasury or in such other State agency or office as may be designated by the Governor, concerning its efforts to secure and utilize federal sources of funding to support maternal mental health pursuant to subsection a. of this section. The information submitted pursuant to this section shall be included within the report issued by the Grants Management Office to the Legislature prior to the expiration date of this act, P.L.2021, c.120.

2. a. The Department of Human Services shall identify and take appropriate steps to secure federal sources of funding to support maternal mental health in the State.

b. No later than September 1, 2021, the department shall report to the Grants Management Office established in the Office of the Treasury or in such other State agency or office as may be designated by the Governor concerning its efforts to secure and utilize federal sources of funding to support maternal mental health pursuant to subsection a. of this section. The information submitted pursuant to this section shall be included within the report issued by the Grants Management Office to the Legislature prior to the expiration date of this act, P.L.2021, c.120.

3. This act shall take effect immediately and shall expire on January 1, 2024.

Approved June 24, 2021.

CHAPTER 121

A SUPPLEMENT to the Fiscal Year 2021 appropriations act, P.L.2020, c.97.

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

1. The following language is added to section 1 of P.L.2020, c.97, the annual State appropriations act for Fiscal Year 2021:

78 DEPARTMENT OF TRANSPORTATION
10 Public Safety and Criminal Justice
11 Vehicular Safety
6400 Motor Vehicle Services
DIRECT STATE SERVICES

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated such additional amounts, not to exceed \$30 million, as determined by the Director of the Division of Budget and Accounting, as are required to pay debt service on the bonds issued pursuant to the "Motor Vehicle Surcharges Securitization Act of 2004," P.L.2004, c.70, as amended.

2. This act shall take effect immediately.

Approved June 24, 2021.

CHAPTER 122

AN ACT establishing a Grants Management Office and supplementing Title 52 of the Revised Statutes.

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

C.52:18A-264 Grants Management Office, established.

1. a. There is established in the Department of the Treasury a Grants Management Office to improve efficiency, streamline processes, reduce administrative burdens on both granting agencies and grant recipients, and facilitate development and implementation of a Statewide centralized grants management and accountability system.

b. The office shall be under the immediate supervision of a director, who shall report to the State Treasurer and who shall be a person qualified by training and experience to direct the work of such office. The director shall administer the work of the office and shall perform such other functions of the office as necessary to implement the provisions of P.L.2021, c.122 (C.52:18A-264).

c. The Director of the Grants Management Office shall:

(1) distribute federal grant notices, coordinate applications, and provide information on the grant process to departments;

(2) distribute weekly information produced by the Federal Funds Information for States of grant opportunities to departments;

(3) coordinate with liaisons designated by each department to determine department interest in grant opportunities;

(4) create and maintain a database of active grants from announcement and application through award, execution, and compliance;

(5) investigate whether applications for federal funds were submitted appropriately and in accordance with relevant deadlines, laws, rules and regulations and policies;

(6) act as a compliance officer to monitor and audit grants;

(7) conduct outreach to municipal, county, non-profit, and other interested stakeholders concerning State and federal grants opportunities;

(8) create and distribute training tools, standard operating procedures, and best practices guidelines; and

(9) produce seminars and events, including annual conferences for stateholders.

d. The Director of the Grants Management Office is authorized to call upon any Executive Branch department or agency, including staff in the Governor's Office, to supply the Grants Management Office with information or other assistance as the director determines necessary. Each Executive Branch department and agency is hereby required, to the extent not inconsistent with law, to cooperate fully with the director within the limits of each department's or agency's statutory authority, and to furnish such assistance on as timely a basis as is necessary to accomplish the purpose of this law.

e. The Director of the Grants Management Office shall submit to the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), annually a report that describes all federal funds received by State agencies in the preceding fiscal year.

2. This act shall take effect immediately.

Approved June 24, 2021.

CHAPTER 123

AN ACT concerning exempt fireman certificates and New Jersey State Firemen's Association membership and amending N.J.S.40A:14-56 and R.S.43:17-9.

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

1. N.J.S.40A:14-56 is amended to read as follows:

Exempt fireman certificate; eligibility.

40A:14-56. A member of the fire department and force of a municipality shall be entitled to an exempt fireman certificate when it appears that at the time of his appointment he was of good moral character and was not under 18 or over 57 years of age and that he had performed: during a period of seven years, 60% of fire duty; or after January 1, 2009, 50% of fire duty; or after January 1, 2020, a percentage rate as set by the executive committee of the New Jersey State Exempt Firemen's Association, in each year, respectively. Any member who otherwise would be eligible for an exempt fireman certificate, but who, as the result of an injury or injuries incurred out of or in the course of fire duty, is permanently unable to fulfill the seven-year performance requirement set forth in this section, shall be entitled to an exempt fireman certificate if, at the time he incurred the injury or injuries, the member had performed: during a period of five years, 60% of fire duty; or after January 1, 2009, 50% of fire duty; or after January 1, 2020, the percentage rate as set by the executive committee of the New Jersey State Exempt Firemen's Association, in each year, respectively. In cases where the appointment was made during the war years the age limit shall be extended 10 years. Service in the United States Armed Forces during the war years shall be considered as fire duty service.

Service in more than one municipal fire department, for separate periods not concurrent, amounting in the aggregate to seven years, shall be deemed equivalent to seven years' service in a single municipal fire department and any fireman so serving shall be entitled to an exempt fireman certificate from the department and force in the municipality wherein he is serving at the time when he becomes entitled to the certificate. The prior service shall be certified by the chief executive officer of the municipality or municipalities wherein the member served and attested by the municipal clerk or clerks.

2. R.S.43:17-9 is amended to read as follows:

Membership qualifications.

43:17-9. The membership of such corporation shall consist, without any formal election thereto, of the officers and members of such fire engine, hook and ladder, hose and supply company or companies, fire association or fire department, or board of firewardens, as shall be under the supervision or control of the governing board or body of the municipality or fire district and who, at the time of their becoming eligible for membership in the New Jersey State Firemen's Association, shall be not less than 18 years of age and who were not more than 57 years of age at the time of joining the New Jersey State Firemen's Association and shall furnish evidence of good health in accordance with such reasonable rules and regulations as the executive committee of the New Jersey State Firemen's Association shall from time to time establish; the officers and members of any nonprofit corporations and associations incorporated pursuant to N.J.S.15A:1-1 et seq.; and the officers and members of any association therein of exempt firemen. The whole body of the membership of such corporation shall have the same rights therein as the charter members thereof.

3. This act shall take effect immediately and be retroactive to January 1, 2020.

Approved June 24, 2021.

CHAPTER 124

AN ACT concerning certain municipalities confronted by severe fiscal distress and amending and repealing various parts of the statutory law.

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

1. Section 4 of P.L.2016, c.4 (C.52:27BBBB-4) is amended to read as follows:

C.52:27BBBB-4 Determination of whether municipality is in need of stabilization and recovery.

4. a. The director may ascertain whether a municipality should be deemed a municipality in need of stabilization and recovery. If the director ascertains that a municipality should be deemed a municipality in need of stabilization and recovery, the director shall recommend that the commissioner make that determination. Within 7 days of receipt of the director's recommendation, the commissioner shall make the final determination of whether to deem the municipality a municipality in need of stabilization and recovery and subject to the provisions of P.L.2016, c.4 (C.52:27BBBB-1 et al.). The commissioner shall notify the Governor, the State Treasurer, and the director when a determination has been made and a municipality is subject to the provisions of P.L.2016, c.4 (C.52:27BBBB-1 et al.). The director shall then notify the municipal clerk, or other appropriate municipal official of the municipality, in writing, of the determination. A municipality in need of stabilization and recovery shall be subject to the provisions of P.L.2016, c.4 (C.52:27BBBB-1 et al.) until the end of the recovery plan adopted pursuant to subsection b. of this section and approved by the commissioner pursuant to subsection c. of this section, or until the first day of the 109th month next following the date on which the municipality becomes subject to the requirements and provisions of sections 5 through 11, 14, 16, and 17 of P.L.2016, c.4 (C.52:27BBBB-5 et al.), as applicable.

b. Not later than 150 days next following the commissioner's final determination that a municipality is in need of stabilization and recovery, the governing body of the municipality in need of stabilization and recovery shall prepare and adopt a resolution containing a nine-year recovery plan, commencing on the first day of the first fiscal year of the municipality next following the enactment of P.L.2016, c.4 (C.52:27BBBB-1 et al.), that is sufficient to effectuate the financial stability of the municipality. The recovery plan shall establish processes and identify specific actions undertaken by the municipality following the determination that it is a municipality in need of stabilization and recovery pursuant to subsection a. of this section, and actions to be undertaken by the municipality if the recovery plan is approved pursuant to subsection c. of this section. The recovery plan shall include a proposed balanced budget for the first fiscal year of the municipality next following the enactment of P.L.2016, c.4 (C.52:27BBBB-1 et al.), which shall be consistent with the "Local Budget Law," N.J.S.40A:4-1 et seq., except as otherwise stated in this subsection. There shall be no requirement for

the proposed balanced budget to identify amounts outstanding, including accrued interest, on any obligation to the State of New Jersey, including any office, department, division, bureau, board, commission, or agency of the State, for deferred pension and health benefit payments for the first fiscal year of the municipality prior to the enactment of P.L.2016, c.4 (C.52:27BBBB-1 et al.). For the purposes of the proposed budget prepared pursuant to this subsection, the municipality in need of stabilization and recovery is not required to appropriate the total amount necessary for the extinguishment of all outstanding property tax appeal debt. For the purposes of the proposed budget prepared pursuant to this subsection, the municipality in need of stabilization and recovery shall identify and account for the loss in revenue from any anticipated set-offs arising from all such property tax appeal debt or identify and appropriate for any amounts owed in the first fiscal year of the municipality next following the enactment of P.L.2016, c.4 (C.52:27BBBB-1 et al.) for the continued repayment of debts related to all property tax appeals settled by the municipality. To effectuate financial stability, in addition to the proposed balanced budget, the recovery plan shall include detailed processes to:

- (1) achieve sustainable net reductions in the municipality's general appropriations to be commensurate with revenues anticipated in the proposed budget;
- (2) ensure that the municipality remits to the county in which it is located the full amount of all property taxes or payments in lieu of property taxes owed by law to the county on the dates on which the payments are due;
- (3) ensure that the municipality remits to the school district serving the municipality the full amount of all property taxes or payments in lieu of property taxes owed by law to the school district on the dates the payments are due;
- (4) schedule for the repayment of debts, including any accrued interest, as of the date of the commissioner's determination pursuant to subsection a. of this section, including, without limitation, any money owed to the State of New Jersey, including any office, department, division, bureau, board, commission, or agency of the State, for deferred pension and health benefits payments;
- (5) account for future payments on bonded debt and unbonded debt, including, without limitation, any general obligation bonds, refunding bonds, pension refunding bonds, tax appeal bonds, and unbonded tax appeal settlements, obligations, liens, or judgments known to the municipality as of the date of the commissioner's determination pursuant to subsection a. of this section;
- (6) account for future payments on any off balance sheet liabilities of the municipality known to the municipality as of the date of the commissioner's determination pursuant to subsection a. of this section;

(7) ensure the repayment of the loan in accordance with section 18 of P.L.2016, c.4 (C.52:27BBBB-16), including accrued interest; and

(8) increase the municipality's revenues, including, without limitation, through the establishment of long-term economic and land use development strategies.

c. The recovery plan shall be submitted by the governing body to the commissioner. The commissioner, within five business days next following the day of receipt of the plan, shall determine, in the commissioner's sole and exclusive discretion, whether the recovery plan is likely or is not likely to achieve financial stability for the municipality. If the commissioner determines that the recovery plan is likely to achieve financial stability for the municipality, the plan shall be effective and the provisions of sections 5 through 11, 14, 16, and 17 of P.L.2016, c.4 (C.52:27BBBB-5 through C.52:27BBBB-9, C.52:27BBBB-12, C.52:27BBBB-14, and C.52:27BBBB-15) shall not be applicable with respect to the municipality in need of stabilization and recovery. If the commissioner determines that the recovery plan is likely to achieve financial stability for the municipality, the plan shall be implemented beginning on the first day of the first fiscal year of the municipality next following the enactment of P.L.2016, c.4 (C.52:27BBBB-1 et al.) and the municipality in need of stabilization and recovery shall strictly comply with the recovery plan. If the commissioner determines that the plan is not likely to achieve financial stability for the municipality, if the municipality fails to submit a plan, if the commissioner determines that the municipality is not strictly complying with a recovery plan approved by the commissioner pursuant to this subsection, or if the commissioner determines that a recovery plan approved by the commissioner pursuant to this subsection is no longer likely to achieve financial stability, the municipality shall be immediately subject to the requirements and provisions of sections 5 through 11, 14, 16, and 17 of P.L.2016, c.4 (C.52:27BBBB-5 et al.) for as long as the municipality is deemed a municipality in need of stabilization and recovery.

2. Section 5 of P.L.2016, c.4 (C.52:27BBBB-5) is amended to read as follows:

C.52:27BBBB-5 Power of Local Finance Board under certain circumstances.

5. a. (1) Notwithstanding the provisions of any law, rule, or regulation to the contrary, if the municipality in need of stabilization and recovery fails to submit a plan, if the commissioner has determined pursuant to subsection c. of section 4 of P.L.2016, c.4 (C.52:27BBBB-4) that the recovery plan is not likely to achieve financial stability for the municipality in need of stabilization and

recovery, if the commissioner determines that the municipality is not strictly complying with a recovery plan approved by the commissioner pursuant to subsection c. of section 4 of P.L.2016, c.4 (C.52:27BBBB-4), or if the commissioner determines that a recovery plan approved by the commissioner pursuant to subsection c. of section 4 of P.L.2016, c.4 (C.52:27BBBB-4) is no longer likely to achieve financial stability, the Local Finance Board may, in its exclusive discretion at any time during which the municipality is deemed a municipality in need of stabilization and recovery, assume and reallocate to, and vest exclusively in the director any of the functions, powers, privileges, and immunities of the governing body of that municipality set forth in any statute, regulation, ordinance, resolution, charter, or contract to which the municipality is a party that are, or may be, substantially related to the fiscal condition or financial rehabilitation and recovery of that municipality. The duration of the transfer of the functions, powers, privileges, and immunities of the governing body shall not exceed the duration of the time the municipality is deemed a municipality in need of stabilization and recovery.

(2) In the event the Local Finance Board assumes and reallocates to the director any function, power, privilege, or immunity of the governing body of a municipality in need of stabilization and recovery set forth in a contract to which that municipality is a party, the municipality shall remain the party to the contract and neither the Local Finance Board nor the director shall assume any contractual obligations or liability arising out of that contract or be subject to any claim for breach of that contract or any other claim related to that contract. Any actions or steps taken by the director under P.L.2016, c.4 (C.52:27BBBB-1 et al.) shall be deemed to be by, and on behalf of, the municipality in need of stabilization.

(3) The authorities granted to the director by the Local Finance Board pursuant to this section shall extend to any and all actions that, in the exclusive discretion of the director, may help stabilize the finances, restructure the debts, or assist in the financial rehabilitation and recovery of the municipality in need of stabilization and recovery. Notwithstanding the provisions of any other law, rule, regulation, or contract to the contrary, except for the provisions of Title 11A, Civil Service as may be applicable to actions taken after the effective date of P.L.2021, c.124, the director shall have the authority to take any steps to stabilize the finances, restructure the debts, or assist in the financial rehabilitation and recovery of the municipality in need of stabilization and recovery, including, but not limited to:

(a) implementing governmental, administrative, and operational efficiency and oversight measures;

(b) dissolving, terminating, transferring, abolishing, or otherwise disposing of any municipal authority, board, commission, or department, or any function thereof; provided, however, that no such action shall be taken until adequate provision has been made for the payment of the creditors or obligees of the entity to be impacted unless otherwise permitted by law. This shall include the power to take any steps required of the governing body under applicable laws, including but not limited to the "municipal and county utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.), the "Local Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et seq.), the "Water Infrastructure Protection Act," P.L.2015, c.18 (C.58:30-1 et seq.), the "Local Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et seq.), and the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.). To the extent that the Local Finance Board or the director exercise any powers under the "Local Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et seq.) with respect to any municipal authority or municipal public utility in the municipality in need of stabilization and recovery;

(c) vetoing the minutes of the governing body of the municipality in need of stabilization and recovery, any board, commission, or department of the municipality in need of stabilization and recovery, and any independent board or authority in the municipality in need of stabilization and recovery, including, but not limited to, the housing authority, parking authority, redevelopment authority, planning board, and zoning board of adjustment. A true copy of the minutes of every meeting of the governing body and any board, commission, department, or independent board, or authority shall be delivered forthwith, by and under the certification of the secretary thereof, to the director. No action taken at the meeting shall have force or effect until 15 business days after a copy of the minutes have been so delivered to the director, unless during this 15-day period the director shall approve in writing the minutes or any part thereof, in which case the action shall become effective upon approval. If, within that 15-day period, the director returns a copy of the minutes with a veto of any action taken by the governing body, board, commission, department, or independent board or authority, or any member thereof at the meeting, the action shall be null and void and of no effect. The director may approve all or part of the action taken at a meeting;

(d) controlling litigation and the municipality's legal affairs, including, but not limited to, suing in the municipality's corporate name; prosecuting, defending, and resolving litigation, arbitration, disputes, and controversies; and retaining and directing municipal corporation counsel and other special counsel as the director may deem appropriate;

(e) selling, conveying, leasing, monetizing, or otherwise disposing of any interest in any municipally-owned assets, including but not limited to, any water, sewer, wastewater, and storm water infrastructure, equipment or facilities, services, and in any real property, including any improvements thereon; provided that the director shall not sell, convey, lease, monetize, or otherwise dispose of any municipally-owned water asset pursuant to an agreement with a private entity until one year after the effective date of P.L.2016, c.4 (C.52:27BBBB-1 et al.) to allow the municipality in need of stabilization and recovery to maximize the value of that asset;

(f) amending or terminating any existing contracts or agreements, which shall not include bonds, notes, indentures, or other similar financing instruments and documents to which the municipality is a party, in accordance with the terms thereof; or unilaterally amending or terminating any contracts or agreements which shall not include bonds, notes, indentures, or other similar financing instruments and documents to which the municipality is a party, provided that the director determines that the unilateral termination or amendment is reasonable and directly related to stabilizing the finances or assisting with the fiscal rehabilitation and recovery of the municipality in need of stabilization and recovery;

(g) unilaterally modifying, amending, or terminating any collective negotiations agreements, except those related to school districts, to which the municipality is a party, or unilaterally modifying, amending, or terminating the terms and conditions of employment during the term of any applicable collective negotiations agreement, or both, provided that the director determines that the modifications, amendments, or terminations are reasonable and directly related to stabilizing the finances or assisting with the fiscal rehabilitation and recovery of the municipality in need of stabilization and recovery;

(h) acting as the sole agent in collective negotiations on behalf of the municipality in need of stabilization and recovery;

(i) with respect to any expired collective negotiations agreement to which the municipality in need of stabilization and recovery is a party, unilaterally modifying wages, hours, or any other terms and conditions of employment;

(j) unilaterally abolishing any non-elected positions in the municipality in need of stabilization and recovery at any time. All of the functions, powers, and duties of abolished positions shall be exercised or delegated by the director;

(k) unilaterally appointing, transferring, or removing employees of the municipality in need of stabilization and recovery, including, but not limited to, department heads and division heads, as the case may be, but excluding appointed officials who have obtained tenure in office;

(l) acting as the appropriate authority, including, without limitation, the appointing authority, for purposes of Title 40A of the New Jersey Statutes;

(m) entering into any agreement with the county in which the municipality in need of stabilization and recovery is located, any of the other municipalities located in that county, or any instrumentality of the State to share or consolidate municipal services pursuant to any law applicable to consolidation or sharing of services, including, without limitation, the "Uniform Shared Services and Consolidation Act," P.L.2007, c.63 (C.40A:65-1 et al.) and P.L.2015, c.279 (C.40A:14-90.1 et al.);

(n) procuring any goods, services, commodities, information technology, software, hardware, or other items on behalf of the municipality in need of stabilization and recovery, in accordance with either the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.), or procurement laws applicable to the State, at the discretion of the director;

(o) retaining any professionals on behalf of the municipality in need of stabilization and recovery, and directing the work of professionals or any professionals previously retained by the municipality in need of stabilization and recovery, in accordance with either the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.) or procurement laws applicable to the State, at the discretion of the director;

(p) retaining bond counsel, adopting bond ordinances to the extent necessary, making appropriate bond applications, and taking any other steps necessary to restructure and adjust debt, on behalf of the municipality in need of stabilization and recovery;

(q) exercising on behalf of the municipality in need of stabilization and recovery any authority granted to a municipality pursuant to the "Local Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et al.) when the director deems it necessary or appropriate to help stabilize the finances, restructure the debts, or assist with the financial rehabilitation and recovery of the municipality in need of stabilization and recovery;

(r) exercising on behalf of the municipality in need of stabilization and recovery any authority granted to a municipality pursuant to the "Redevelopment Area Bond Financing Law," P.L.2001, c.310 (C.40A:12A-64 et seq.) when the director deems it necessary or appropriate to help stabilize the finances, restructure the debts, or assist with the financial rehabilitation and recovery of the municipality in need of stabilization and recovery;

(s) exercising on behalf of the municipality in need of stabilization and recovery any authority granted to a municipality pursuant to the "Long Term Tax Exemption Law," P.L.1991, c.431 (C.40A:20-1 et seq.) when the director deems it necessary or appropriate to help stabilize the finances, restructure

the debts, or assist the financial rehabilitation and recovery of the municipality in need of stabilization and recovery;

(t) authorizing and filing, on behalf of the municipality in need of stabilization and recovery, subject only to the written approval of the majority of the members of the legislative Joint Budget Oversight Committee, a petition and other pleadings and papers with any United States court or federal bankruptcy court for the purpose of effecting a plan of readjustment or composition of debts as set forth in R.S.52:27-40 et seq., and taking any other and further actions necessary or appropriate in connection with any case or proceeding; and

(u) negotiating and executing any contracts, agreements, or other documents on behalf of the municipality in need of stabilization and recovery as may be necessary or appropriate to effectuate any of the actions or steps specifically identified in P.L.2016, c.4 (C.52:27BBBB-1 et al.) or that may otherwise, as the director deems necessary or appropriate, help stabilize the finances, restructure the debts, or assist with the financial rehabilitation and recovery of the municipality in need of stabilization and recovery.

(4) Subject to subsection b. of section 11 of P.L.2016, c.4 (C.52:27BBBB-9), the Local Finance Board may authorize the director to take any action authorized to be taken under the "Local Bond Law," N.J.S.40A:2-1 et seq., and the "Municipal Qualified Bond Act," P.L.1976, c.38 (C.40A:3-1 et seq.) by a governing body of a local unit.

(5) The provisions of P.L.1941, c.100 (C.34:13A-1 et seq.), and regulations promulgated thereunder, shall in no way infringe on the authority of the Local Finance Board or the director set forth in this section or any actions taken by the director pursuant to this section.

(6) Any function, power, privilege, or immunity of the municipal governing body that is not assumed by the Local Finance Board and reallocated to and vested exclusively in the director pursuant to this section shall remain allocated to and vested in that governing body unless and until such time as the function, power, privilege, immunity, or duty may be allocated to and vested exclusively in the Local Finance Board or the director pursuant to this section. The Local Finance Board or the director may exercise any power implied or incidental to a power that has been specifically allocated.

b. (1) Notwithstanding the provisions of any law, rule, or regulation to the contrary, including any requirements set forth in R.S.40:49-1 et seq., the "Senator Byron M. Baer Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.), or R.S.52:27-41, the director shall have the exclusive authority to pass, adopt, repeal, or amend any ordinance or resolution of the municipality in need of stabilization and recovery, modify any meeting agenda of the governing body of the municipality in need of stabilization and recovery, and negotiate,

enter into, amend, or terminate any contract or agreement, on behalf of the municipality in need of stabilization and recovery, provided that the director deems the action necessary or appropriate to help stabilize the finances, restructure the debts, or assist with the financial rehabilitation and recovery of the municipality in need of stabilization and recovery.

(2) When exercising powers under this section, the director shall, to the extent practicable, comply with all notice, hearing, and other requirements to which the municipality in need of stabilization and recovery is generally subject, but in no instance shall the director be deemed a "public body" pursuant to the "Senator Byron M. Baer Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).

(3) The director may issue to the appropriate elected and appointed officials and employees, agents, and contractors of a municipality in need of stabilization and recovery the orders that the director deems appropriate to stabilize the finances, restructure the debts, or assist the financial rehabilitation and recovery of the municipality in need of stabilization and recovery pursuant to the authority granted by the Local Finance Board pursuant to this section. Any order by the director shall be binding on the appropriate elected and appointed officials and employees, agents, and contractors of a municipality in need of stabilization and recovery and may be enforced as other orders of the director are enforced under general law.

3. Section 17 of P.L.2016, c.4 (C.52:27BBBB-15) is amended to read as follows:

C.52:27BBBB-15 Attendance of certain meetings required, final report.

17. The director or the director's designee shall attend the regularly scheduled meetings of the municipal council in a municipality in need of stabilization and recovery. On or before the first day of the tenth year next following the determination that a municipality is in need of stabilization and recovery pursuant to section 4 of P.L.2016, c.4 (C.52:27BBBB-4), the director shall provide a final report to the Governor and Legislature regarding the municipality in need of stabilization and recovery.

4. Section 1 of P.L.1974, c.123 (C.34:13A-5.4) is amended to read as follows:

C.34:13A-5.4 Prohibitions relative to public employers, employee organizations, their representatives, agents.

1. a. Public employers, their representatives or agents are prohibited from:

(1) Interfering with, restraining or coercing employees in the exercise of the rights guaranteed to them by this act.

(2) Dominating or interfering with the formation, existence or administration of any employee organization.

(3) Discriminating in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage employees in the exercise of the rights guaranteed to them by this act.

(4) Discharging or otherwise discriminating against any employee because he has signed or filed an affidavit, petition or complaint or given any information or testimony under this act.

(5) Refusing to negotiate in good faith with a majority representative of employees in an appropriate unit concerning terms and conditions of employment of employees in that unit, or refusing to process grievances presented by the majority representative.

(6) Refusing to reduce a negotiated agreement to writing and to sign such agreement.

(7) Violating any of the rules and regulations established by the commission.

b. Employee organizations, their representatives or agents are prohibited from:

(1) Interfering with, restraining or coercing employees in the exercise of the rights guaranteed to them by this act.

(2) Interfering with, restraining or coercing a public employer in the selection of his representative for the purposes of negotiations or the adjustment of grievances.

(3) Refusing to negotiate in good faith with a public employer, if they are the majority representative of employees in an appropriate unit concerning terms and conditions of employment of employees in that unit.

(4) Refusing to reduce a negotiated agreement to writing and to sign such agreement.

(5) Violating any of the rules and regulations established by the commission.

c. The commission shall have exclusive power as hereinafter provided to prevent anyone from engaging in any unfair practice listed in subsections a. and b. above. Whenever it is charged that anyone has engaged or is engaging in any such unfair practice, the commission, or any designated agent thereof, shall have authority to issue and cause to be served upon such party a complaint stating the specific unfair practice charged and including a notice of hearing containing the date and place of hearing before the commission or any designated agent thereof; provided that no complaint shall issue based upon any unfair practice occurring more than 6 months prior to the filing of the charge unless the person aggrieved thereby was prevented from filing

such charge in which event the 6-month period shall be computed from the day he was no longer so prevented.

In any such proceeding, the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) shall be applicable. Evidence shall be taken at the hearing and filed with the commission. If, upon all the evidence taken, the commission shall determine that any party charged has engaged or is engaging in any such unfair practice, the commission shall state its findings of fact and conclusions of law and issue and cause to be served on such party an order requiring such party to cease and desist from such unfair practice, and to take such reasonable affirmative action as will effectuate the policies of this act. All cases in which a complaint and notice of hearing on a charge is actually issued by the commission, shall be prosecuted before the commission or its agent, or both, by the representative of the employee organization or party filing the charge or his authorized representative.

d. The commission shall at all times have the power and duty, upon the request of any public employer or majority representative, to make a determination as to whether a matter in dispute is within the scope of collective negotiations. The commission shall serve the parties with its findings of fact and conclusions of law. Any determination made by the commission pursuant to this subsection may be appealed to the Appellate Division of the Superior Court.

e. The commission shall adopt such rules as may be required to regulate the conduct of representation elections, and to regulate the time of commencement of negotiations and of institution of impasse procedures so that there will be full opportunity for negotiations and the resolution of impasses prior to required budget submission dates.

f. The commission shall have the power to apply to the Appellate Division of the Superior Court for an appropriate order enforcing any order of the commission issued under subsection c. or d. hereof, and its findings of fact, if based upon substantial evidence on the record as a whole, shall not, in such action, be set aside or modified; any order for remedial or affirmative action, if reasonably designed to effectuate the purposes of this act, shall be affirmed and enforced in such proceeding.

g. The Director of the Division of Local Government Services in the Department of Community Affairs may notify the commission that a municipality deemed a "municipality in need of stabilization and recovery" pursuant to section 4 of P.L.2016, c.4 (C.52:27BBBB-4) shall not be subject to the commission's authority to prevent an unfair practice pursuant to subsection a. of this section. Upon such notice, neither the commission, nor any designee, shall have the authority to issue or cause to be served upon such municipality in need of stabilization and recovery any complaint alleging an

unfair practice under subsection a. of this section or to hold any hearings with respect thereto. Nothing in this subsection shall be construed to limit the scope of any general or specific powers of the Local Finance Board or the Director set forth in P.L.2016, c.4 (C.52:27BBBB-1 et al.).

The provisions of this subsection shall no longer be applicable on and after the first day of the sixth year next following the determination by the Commissioner of Community Affairs that the municipality shall be deemed "a municipality in need of stabilization and recovery" pursuant to section 4 of P.L.2016, c.4 (C.52:27BBBB-4); however, actions taken pursuant to this subsection prior to the effective date of P.L.2021, c.124 shall be final and shall not be subject to reconsideration.

5. Section 3 of P.L.1977, c.85 (C.34:13A-16) is amended to read as follows:

C.34:13A-16 Negotiations between public fire, police department and exclusive representative; unfair practice charge; negotiation; fact-finding; arbitration.

3. a. (1) Negotiations between a public fire or police department and an exclusive representative concerning the terms and conditions of employment shall begin at least 120 days prior to the day on which their collective negotiation agreement is to expire. The parties shall meet at least three times during that 120-day period. The first of those three meetings shall take place no later than the 90th day prior to the day on which their collective negotiation agreement is to expire. By mutual consent, the parties may agree to extend the period during which the second and third meetings are required to take place beyond the day on which their collective negotiation agreement is to expire. A violation of this paragraph shall constitute an unfair practice and the violator shall be subject to the penalties prescribed by the commission pursuant to rule and regulation.

Prior to the expiration of their collective negotiation agreement, either party may file an unfair practice charge with the commission alleging that the other party is refusing to negotiate in good faith. The charge shall be filed in the manner, form and time specified by the commission in rule and regulation. If the charge is sustained, the commission shall order that the respondent be assessed for all legal and administrative costs associated with the filing and resolution of the charge; if the charge is dismissed, the commission shall order that the charging party be assessed for all legal and administrative costs associated with the filing and resolution of the charge. The filing and resolution of the unfair practice charge shall not delay or impair the impasse resolution process.

(2) Whenever those negotiations concerning the terms and conditions of employment shall reach an impasse, the commission, through the Division of Public Employment Relations shall, upon the request of either party, or upon its own motion take such steps, including the assignment of a mediator, as it may deem expedient to effect a voluntary resolution of the impasse.

b. (1) In the event of a failure to resolve the impasse by mediation, the Division of Public Employment Relations, at the request of either party, shall invoke factfinding with recommendation for settlement of all issues in dispute unless the parties reach a voluntary settlement prior to the issuance of the factfinder's report and recommended terms of settlement. Factfinding shall be limited to those issues that are within the required scope of negotiations unless the parties to the factfinding agree to factfinding on permissive subjects of negotiation.

(2) Notwithstanding the provisions of paragraph (2) of subsection a. of this section or paragraph (1) of this subsection, either party may petition the commission for arbitration on or after the date on which their collective negotiation agreement expires. The petition shall be filed in a manner and form prescribed by the commission. The party filing the petition shall notify the other party of its action. The notice shall be given in a manner and form prescribed by the commission.

Any mediation or factfinding invoked pursuant to paragraph (2) of subsection a. of this section or paragraph (1) of subsection b. of this section shall terminate immediately upon the filing of a petition for arbitration.

(3) Upon the filing of a petition for arbitration pursuant to paragraph (2) of this subsection, an arbitrator selected pursuant to paragraph (1) of subsection e. of this section shall conduct an initial meeting as a mediation session to effect a voluntary resolution of the impasse.

c. (Deleted by amendment, P.L.2010, c.105)

d. The resolution of issues in dispute shall be binding arbitration under which the award on the unsettled issues is determined by conventional arbitration. The arbitrator shall determine whether the total net annual economic changes for each year of the agreement are reasonable under the nine statutory criteria set forth in subsection g. of this section and shall adhere to the limitations set forth in section 2 of P.L.2010, c.105 (C.34:13A-16.7). The non-petitioning party, within five days of receipt of the petition, shall separately notify the commission in writing of all issues in dispute. The filing of the written response shall not delay, in any manner, the interest arbitration process.

e. (1) The commission shall take measures to assure the impartial selection of an arbitrator or arbitrators from its special panel of arbitrators. On the first business day following receipt of an interest arbitration petition, the commission shall, independent of and without any participation by either of

the parties, randomly select an arbitrator from its special panel of arbitrators. The selection by the commission shall be final and shall not be subject to review or appeal.

(2) Applicants for initial appointment to the commission's special panel of arbitrators shall be chosen based on their professional qualifications, knowledge, and experience, in accordance with the criteria and rules adopted by the commission. Such rules shall include relevant knowledge of local government operations and budgeting. Appointment to the commission's special panel of arbitrators shall be for a three-year term, with reappointment contingent upon a screening process similar to that used for determining initial appointments. Arbitrators currently serving on the panel shall demonstrate to the commission their professional qualification, knowledge and experience, in accordance with the criteria and rules adopted by the commission, within one year of the effective date of this act. Any arbitrator who does not satisfactorily demonstrate such to the commission within the specified time shall be disqualified.

(3) Arbitrators serving on the commission's special panel shall be guided by and subject to the objectives and principles set forth in the "Code of Professional Responsibility for Arbitrators of Labor-Management Disputes" of the National Academy of Arbitrators, the American Arbitration Association, and the Federal Mediation and Conciliation Service.

(4) Arbitrators shall be required to complete annual training offered by the State Ethics Commission. Any arbitrator failing to satisfactorily complete the annual training shall be immediately removed from the special panel.

The commission may suspend, remove, or otherwise discipline an arbitrator for a violation of P.L.1977, c.85 (C.34:13A-14 et seq.), section 4 of P.L.1995, c.425 (C.34:13A-16.1) or for good cause. An arbitrator who fails to render an award within the time requirements set forth in this section shall be fined \$ 1,000 for each day that the award is late.

f. (1) At a time prescribed by the commission, the parties shall submit to the arbitrator their final offers on each economic and non-economic issue in dispute. The offers submitted pursuant to this section shall be used by the arbitrator for the purposes of determining an award pursuant to subsection d. of this section.

(2) In the event of a dispute, the commission shall have the power to decide which issues are economic issues. Economic issues include those items which have a direct relation to employee income including wages, salaries, hours in relation to earnings, and other forms of compensation such as paid vacation, paid holidays, health and medical insurance, and other economic benefits to employees.

(3) Throughout formal arbitration proceedings the chosen arbitrator may mediate or assist the parties in reaching a mutually agreeable settlement.

All parties to arbitration shall present, at the formal hearing before the issuance of the award, written estimates of the financial impact of their last offer on the taxpayers of the local unit to the arbitrator with the submission of their last offer.

(4) Arbitration shall be limited to those subjects that are within the required scope of collective negotiations, except that the parties may agree to submit to arbitration one or more permissive subjects of negotiation.

(5) The decision of an arbitrator or panel of arbitrators shall include an opinion and an award, and shall be rendered within 90 calendar days of the commission's assignment of that arbitrator.

Each arbitrator's decision shall be accompanied by a written report explaining how each of the statutory criteria played into the arbitrator's determination of the final award. The report shall certify that the arbitrator took the statutory limitations imposed on the local levy cap into account in making the award.

Any arbitrator violating the provisions of this paragraph may be subject to the commission's powers under paragraph (3) of subsection e. of this section. The decision shall be final and binding upon the parties and shall be irreversible, except:

(a) Within 14 calendar days of receiving an award, an aggrieved party may file notice of an appeal of an award to the commission on the grounds that the arbitrator failed to apply the criteria specified in subsection g. of this section or violated the standards set forth in N.J.S.2A:24-8 or N.J.S.2A:24-9. The appeal shall be filed in a form and manner prescribed by the commission. In deciding an appeal, the commission, pursuant to rule and regulation and upon petition, may afford the parties the opportunity to present oral arguments. The commission may affirm, modify, correct or vacate the award or may, at its discretion, remand the award to the same arbitrator or to another arbitrator, selected by lot, for reconsideration. The commission's decision shall be rendered no later than 60 calendar days after the filing of the appeal with the commission.

Arbitration appeal decisions shall be accompanied by a written report explaining how each of the statutory criteria played into their determination of the final award. The report shall certify that in deciding the appeal, the commission took the local levy cap into account in making the award.

An aggrieved party may appeal a decision of the commission to the Appellate Division of the Superior Court.

(b) An arbitrator's award shall be implemented immediately.

(6) The parties shall share equally the costs of arbitration subject to a fee schedule approved by the commission. The fee schedule shall provide that the cost of services provided by the arbitrator shall not exceed \$ 1,000 per day. The total cost of services of an arbitrator shall not exceed \$ 10,000. If the parties cancel an arbitration proceeding without good cause, the arbitrator may impose a fee of not more than \$ 500. The parties shall share equally in paying that fee if the request to cancel or adjourn is a joint request. Otherwise, the party causing such cancellation shall be responsible for payment of the entire fee.

g. The arbitrator shall decide the dispute based on a reasonable determination of the issues, giving due weight to those factors listed below that are judged relevant for the resolution of the specific dispute. In the award, the arbitrator or panel of arbitrators shall indicate which of the factors are deemed relevant, satisfactorily explain why the others are not relevant, and provide an analysis of the evidence on each relevant factor; provided, however, that in every interest arbitration proceeding, the parties shall introduce evidence regarding the factor set forth in paragraph (6) of this subsection and the arbitrator shall analyze and consider the factor set forth in paragraph (6) of this subsection in any award:

(1) The interests and welfare of the public. Among the items the arbitrator or panel of arbitrators shall assess when considering this factor are the limitations imposed upon the employer by P.L.1976, c.68 (C.40A:4-45.1 et seq.).

(2) Comparison of the wages, salaries, hours, and conditions of employment of the employees involved in the arbitration proceedings with the wages, hours, and conditions of employment of other employees performing the same or similar services and with other employees generally:

(a) In private employment in general; provided, however, each party shall have the right to submit additional evidence for the arbitrator's consideration.

(b) In public employment in general; provided, however, each party shall have the right to submit additional evidence for the arbitrator's consideration.

(c) In public employment in the same or similar comparable jurisdictions, as determined in accordance with section 5 of P.L.1995, c.425 (C.34:13A-16.2); provided, however, that each party shall have the right to submit additional evidence concerning the comparability of jurisdictions for the arbitrator's consideration.

(3) The overall compensation presently received by the employees, inclusive of direct wages, salary, vacations, holidays, excused leaves, insurance and pensions, medical and hospitalization benefits, and all other economic benefits received.

(4) Stipulations of the parties.

(5) The lawful authority of the employer. Among the items the arbitrator or panel of arbitrators shall assess when considering this factor are the limitations imposed upon the employer by P.L.1976, c.68 (C.40A:4-45.1 et seq.).

(6) The financial impact on the governing unit, its residents, the limitations imposed upon the local unit's property tax levy pursuant to section 10 of P.L.2007, c.62 (C.40A:4-45.45), and taxpayers. When considering this factor in a dispute in which the public employer is a county or a municipality, the arbitrator or panel of arbitrators shall take into account, to the extent that evidence is introduced, how the award will affect the municipal or county purposes element, as the case may be, of the local property tax; a comparison of the percentage of the municipal purposes element or, in the case of a county, the county purposes element, required to fund the employees' contract in the preceding local budget year with that required under the award for the current local budget year; the impact of the award for each income sector of the property taxpayers of the local unit; the impact of the award on the ability of the governing body to (a) maintain existing local programs and services, (b) expand existing local programs and services for which public moneys have been designated by the governing body in a proposed local budget, or (c) initiate any new programs and services for which public moneys have been designated by the governing body in a proposed local budget.

(7) The cost of living.

(8) The continuity and stability of employment including seniority rights and such other factors not confined to the foregoing which are ordinarily or traditionally considered in the determination of wages, hours, and conditions of employment through collective negotiations and collective bargaining between the parties in the public service and in private employment.

(9) Statutory restrictions imposed on the employer. Among the items the arbitrator or panel of arbitrators shall assess when considering this factor are the limitations imposed upon the employer by section 10 of P.L.2007, c.62 (C.40A:4-45.45).

h. A mediator, factfinder, or arbitrator while functioning in a mediatory capacity shall not be required to disclose any files, records, reports, documents, or other papers classified as confidential received or prepared by him or to testify with regard to mediation, conducted by him under this act on behalf of any party to any cause pending in any type of proceeding under this act. Nothing contained herein shall exempt such an individual from disclosing information relating to the commission of a crime.

i. The Director of the Division of Local Government Services in the Department of Community Affairs may notify the commission, through the Divi-

sion of Public Employment Relations, that a municipality deemed a "municipality in need of stabilization and recovery" pursuant to section 4 of P.L.2016, c.4 (C.52:27BBBB-4) will not participate in any impasse procedures authorized by this section. Upon such notice, any pending impasse procedures authorized by this section shall immediately cease, and any pending petition for arbitration shall be vacated. Nothing in this subsection shall be construed to limit the scope of any general or specific powers of the Local Finance Board or the director set forth in P.L.2016, c.4 (C.52:27BBBB-1 et al.).

The provisions of this subsection shall no longer be applicable on and after the first day of the sixth year next following the determination by the Commissioner of Community Affairs that the municipality shall be deemed "a municipality in need of stabilization and recovery" pursuant to section 4 of P.L.2016, c.4 (C.52:27BBBB-4); however, actions taken pursuant to this subsection prior to the effective date of P.L.2021, c.124 shall be final and shall not be subject to reconsideration.

j. The Local Finance Board may provide that any arbitration award, including but not limited to an interest arbitration award, involving a municipality deemed a "municipality in need of stabilization and recovery" pursuant to section 4 of P.L.2016, c.4 (C.52:27BBBB-4) shall be subject to the review and approval of the Director of the Division of Local Government Services in the Department of Community Affairs, including those on a collective negotiations agreement where the matter has been submitted to an arbitrator pursuant to law, and no such award shall be binding without the approval of the director. Nothing in this subsection shall be construed to limit the scope of any general or specific powers of the Local Finance Board or the director set forth in P.L.2016, c.4 (C.52:27BBBB-4).

The provisions of this subsection shall no longer be applicable on and after the first day of the sixth year next following the determination by the Commissioner of Community Affairs that the municipality shall be deemed "a municipality in need of stabilization and recovery" pursuant to section 4 of P.L.2016, c.4 (C.52:27BBBB-4); however, actions taken pursuant to this subsection prior to the effective date of P.L.2021, c.124 shall be final and shall not be subject to reconsideration.

Repealer.

6. Section 13 of P.L.2016, c.4 (C.52:27BBBB-11) is repealed; however, actions taken pursuant to this subsection prior to the effective date of P.L.2021, c.124 shall be final and shall not be subject to reconsideration.

7. This act shall take effect immediately.

Approved June 24, 2021.

CHAPTER 125

AN ACT establishing the "New Jersey Debt Defeasance and Prevention Fund," and making an appropriation.

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

C.52:9H-2.2 "New Jersey Debt Defeasance and Prevention Fund", created.

1. a. There is created within the General Fund a restricted reserve fund to be known as the "New Jersey Debt Defeasance and Prevention Fund." The "New Jersey Debt Defeasance and Prevention Fund" shall be credited with the amount appropriated to the fund pursuant to section 2 of P.L.2021, c.125 and such funds as the Legislature may, from time to time, appropriate for the purposes of the fund as enumerated in subsection b. of this section.

b. Balances in the "New Jersey Debt Defeasance and Prevention Fund" may be appropriated by the Legislature only for the purposes of: retiring and defeasing State debt, including general obligation bonds and appropriations-backed bonds, and the costs thereof; and funding capital projects on a pay-as-you-go basis rather than issuing additional State debt, including general obligation bonds or appropriations-backed bonds.

2. There shall be credited \$3,700,000,000 from the General Fund to the "New Jersey Debt Defeasance and Prevention Fund," established pursuant to section 1 of P.L.2021, c.125 (C.52:9H-2.2).

3. There is appropriated from the "New Jersey Debt Defeasance and Prevention Fund" \$2,500,000,000 for the purpose of retiring and defeasing debts of the State of New Jersey, and the costs thereof, in such manner and at such times as the State Treasurer shall direct. If moneys are used for debt retirement or defeasance, the State Treasurer shall submit to the Joint Budget Oversight Committee a report describing the manner in which debt retirement and defeasance has been accomplished, including a description of amounts to be saved and an attestation that such savings have been maximized within a ten-year period.

4. There is appropriated from the "New Jersey Debt Defeasance and Prevention Fund" \$1,200,000,000 for the purpose of funding capital construction projects for which State debt is already authorized by law, or for which funding would have been derived from future State bond issuances, thereby constituting debt avoidance, subject to the approval of the Director of the Division of Budget and Accounting. The State Treasurer shall submit a list of proposed capital projects to the Joint Budget Oversight Committee for approval. Within one business day of receipt of a list, the Joint Budget Oversight Committee shall schedule a meeting to consider the submitted items, which hearing shall be held within seven days of receipt of the list.

5. This act shall take effect immediately.

Approved June 29, 2021.

CHAPTER 126

AN ACT concerning funding for special needs housing and amending P.L.1968, c.49 and P.L.2005, c.163.

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

1. Section 4 of P.L.1968, c.49 (C.46:15-8) is amended to read as follows:

C.46:15-8 County, State sharing of fee proceeds.

4. a. The proceeds of the fees collected by the county recording officer, as authorized by P.L.1968, c.49 (C.46:15-5 et seq.), shall be accounted for and remitted to the county treasurer.

b. (1) The county portion of the basic fee collected pursuant to paragraph (1) of subsection a. of section 3 of P.L.1968, c.49 (C.46:15-7) shall be retained by the county treasurer for the use of the county.

(2) The State portion of the basic fee, the additional fee, and the general purpose fee shall be paid to the State Treasurer for the use of the State. Payments shall be made to the State Treasurer on the tenth day of each month following the month of collection.

c. (1) Amounts, not in excess of \$25,000,000, paid during the State fiscal year to the State Treasurer from the payment of the State portion of the basic fee

shall be credited to the "Shore Protection Fund" created pursuant to section 1 of P.L.1992, c.148 (C.13:19-16.1), in the manner established under that section.

(2) In addition to the amounts credited to the "Shore Protection Fund" pursuant to paragraph (1) of this subsection, amounts equal to \$12,000,000 in each of the first 10 years after the date of enactment of the "Highlands Water Protection and Planning Act," P.L.2004, c.120 (C.13:20-1 et al.) and to \$5,000,000 in each year thereafter, paid during the State fiscal year to the State Treasurer from the payment of fees collected by the county recording officer other than the additional fee of \$0.75 for each \$500 of consideration or fractional part thereof recited in the deed in excess of \$150,000 shall be credited to the "Highlands Protection Fund" created pursuant to section 21 of P.L.2004, c.120 (C.13:20-19), in the manner established under that section. No monies shall be credited to the "Highlands Protection Fund" pursuant to this paragraph until and unless the full amount of \$25,000,000 has first been credited to the "Shore Protection Fund" pursuant to paragraph (1) of this subsection.

(3) In addition to the amounts credited pursuant to paragraphs (1) and (2) of this subsection, commencing with the first State fiscal year next following the enactment of P.L.2021, c.126, an amount equal to \$20,000,000 shall annually be credited to the Special Needs Housing Trust Fund, created pursuant to section 1 of P.L.2005, c.163 (C.34:1B-21.25a), in the manner established under that section.

d. All amounts paid to the State Treasurer from the payment of the additional fee shall be credited to the Neighborhood Preservation Nonlapsing Revolving Fund established pursuant to P.L.1985, c.222 (C.52:27D-301 et al.), in the manner established under section 20 thereof (C.52:27D-320).

2. Section 1 of P.L.2005, c.163 (C.34:1B-21.25a) is amended to read as follows:

C.34:1B-21.25a Findings, declarations relative to special needs housing; trust fund, established; use.

1. a. The Legislature finds and declares that:

(1) The State of New Jersey has the responsibility of providing for and assuring the continued operation of safe and humane residences for individuals who require supportive housing or extended care in a community residence;

(2) The State of New Jersey requires additional funding to continue efforts to create permanent supportive housing and community residences as alternatives to institutionalization or homelessness for those who would benefit from these programs;

(3) The State of New Jersey requires immediate programs: (i) to create additional units of permanent supportive housing and community residences through new construction or substantial rehabilitation; and (ii) to support community grants and loans to develop and ensure the long-term viability of such housing and residential opportunities for individuals with special needs with priority given to individuals with mental illness;

(4) Implementation of these programs will be a substantial step toward meeting the immediate and critical need of the people of New Jersey, will substantially further the public interest, and can most economically be financed through a bond issue;

(5) The establishment of the Special Needs Housing Trust Fund under the auspices of the New Jersey Housing and Mortgage Finance Agency, funded through the issuance of bonds by the New Jersey Economic Development Authority under the already authorized "Motor Vehicle Surcharges Securitization Act of 2004," P.L.2004, c.70 (C.34:1B-21.23 et al.), is the most desirable means to provide funding and to implement the programs.

b. There is established in the agency a special nonlapsing, revolving fund to be known as the Special Needs Housing Trust Fund. The proceeds from the sale of bonds issued by the authority pursuant to the "Motor Vehicle Surcharges Securitization Act of 2004," P.L.2004, c.70 (C.34:1B-21.23 et al.), to finance special needs housing projects pursuant to P.L.2005, c.163 (C.34:1B-21.25a et al.) and deposited into the Motor Vehicle Surcharges Securitization Proceeds Fund, together with such other funds as may be authorized by law, shall be paid by the authority to the agency for deposit into the Special Needs Housing Trust Fund based upon executed agreements between the authority and the State Treasurer. For the purpose of obtaining moneys from the authority to be deposited into the Special Needs Housing Trust Fund, the agency may enter into agreements with the authority to receive moneys from the authority for any purposes authorized by P.L.2005, c.163 (C.34:1B-21.25a et al.) and specified in the agreements between the agency and the authority. The proceeds of this fund shall be deposited in those depositories as may be selected by the agency to the credit of the fund.

c. Funds deposited into the Special Needs Housing Trust Fund shall be used by the agency to make loans, grants or other investments to finance or otherwise pay the costs of special needs housing projects, upon such terms as the agency shall determine. In making any of the foregoing loans, grants or other investments, the agency shall not be limited by any of the restrictions imposed by P.L.1983, c.530 (C.55:14K-1 et seq.) on eligible loans, funding or financial assistance for housing projects, or other financing vehicles, and shall give priority to special needs housing projects benefiting persons with

mental illness. Special needs housing projects funded from the Special Needs Housing Trust Fund shall be eligible for exemption from real property taxation pursuant to subsection b. of section 37 of P.L.1983, c.530 (C.55:14K-37).

d. Pending their application to the purposes provided in P.L.2005, c.163 (C.34:1B-21.25a et al.), the moneys in the Special Needs Housing Trust Fund may be invested and reinvested as are other trust funds in the custody of the agency, in the manner provided by law. Net earnings received from the investment or deposit of moneys in the Special Needs Housing Trust Fund shall remain in such fund and be applied to the purposes set forth in P.L.2005, c.163 (C.34:1B-21.25a et al.).

e. The agency is authorized to promulgate the rules and regulations, policies and procedures necessary to effectuate the provisions and purposes of P.L.2005, c.163 (C.34:1B-21.25a et al.) in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

3. This act shall take effect immediately.

Approved June 29, 2021.

CHAPTER 127

A SUPPLEMENT to the Fiscal Year 2021 appropriations act, P.L.2020, c.97.

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

1. In addition to the amounts appropriated under P.L.2020, c.97, the annual appropriations act for Fiscal Year 2020-2021, there are appropriated the following sums for the purposes specified:

26 DEPARTMENT OF CORRECTIONS
10 Public Safety and Criminal Justice
16 Detention and Rehabilitation
7025 System-Wide Program Support
GRANTS-IN-AID

13-7025 Institutional Program Support	<u>\$3,400,000</u>
Total Grants-in-Aid Appropriation	
System-Wide Program Support,	<u>\$3,400,000</u>

Grants-in-Aid:

- 13 Purchase of Service for Inmates
Incarcerated In County Penal Facilities..... (\$3,400,000)

46 DEPARTMENT OF HEALTH**20 Physical and Mental Health****22 Health Planning and Evaluation****GRANTS-IN-AID**

- 07-4270 Health Care Systems Analysis..... \$63,657,000
Total Grants-in-Aid Appropriation,
Health Planning and Evaluation \$63,657,000

Grants-in-Aid:

- 07 Health Care Subsidy Fund Payments.....(\$53,657,000)
07 Federally Qualified Health Centers.....(10,000,000)

54 DEPARTMENT OF HUMAN SERVICES**20 Physical and Mental Health****23 Mental Health and Addiction Services****7700 Division of Mental Health and Addiction Services****STATE AID**

- 08-7700 Community Services \$7,343,000
(From Property Tax Relief Fund..... \$7,343,000)
Total State Aid Appropriation, Division of
Mental Health and Addiction Services..... \$7,343,000
(From Property Tax Relief Fund..... \$7,343,000)

State Aid:

- 08 Support of Patients in County(\$7,343,000)
Psychiatric Hospitals (PTRF)

50 Economic Planning, Development, and Security**53 Economic Assistance and Security****7550 Division of Family Development****STATE AID**

- 15-7550 Income Maintenance Management..... \$8,000,000
Total State Aid Appropriation, Division of Family Development \$8,000,000

State Aid:

- 15 Payments for Supplemental Security Income(\$8,000,000)

66 DEPARTMENT OF LAW AND PUBLIC SAFETY**10 Public Safety and Criminal Justice****12 Law Enforcement****STATE AID**

- 09-1020 Criminal Justice..... \$1,600,000
(From Property Tax Relief Fund..... \$1,600,000)

Total State Aid Appropriation, Law Enforcement	<u>\$1,600,000</u>
(From Property Tax Relief Fund.....)	<u>\$1,600,000)</u>
State Aid:	
09 Safe and Secure.....	(\$1,600,000)
Neighborhoods Program (PTRF)	
10 Public Safety and Criminal Justice	
13 Special Law Enforcement Activities	
DIRECT STATE SERVICES	
22-1410 Regulation of Racing Activities	<u>\$5,000,000</u>
Total Direct State Services Appropriation,	
Special Law Enforcement Activities	<u>\$5,000,000</u>
Direct State Services:	
Special Purpose:	
22 Horse Racing Purse Subsidies.....	(\$5,000,000)
74 DEPARTMENT OF STATE	
30 Educational, Cultural, and Intellectual Development	
37 Cultural and Intellectual Development Services	
2541 Division of State Library	
STATE AID	
51-2541 Library Services	<u>\$262,000</u>
Total State Aid Appropriation, Division of State Library	<u>\$262,000</u>
State Aid:	
51 Library Network	(\$262,000)
70 Government Direction, Management, and Control	
74 General Government Services	
STATE AID	
25-2525 Election Management and Coordination	<u>\$20,000,000</u>
Total State Aid Appropriation,	
General Government Services,	<u>\$20,000,000</u>
State Aid:	
25 Early Voting Implementation.....	(\$20,000,000)
78 DEPARTMENT OF TRANSPORTATION	
60 Transportation Programs	
61 State and Local Highway Facilities	
STATE AID	
71-6200 Capital Program Management	<u>\$5,500,000</u>
(From Property Tax Relief Fund.....)	<u>\$5,500,000)</u>
Total State Aid Appropriation, State	
and Local Highway Facilities	<u>\$5,500,000</u>
(From Property Tax Relief Fund.....)	<u>\$5,500,000)</u>

State Aid:

71 Ferry Terminal Support – South Amboy (PTRF) ...(\$5,500,000)

2. This act shall take effect immediately.

Approved June 29, 2021.

CHAPTER 128

AN ACT concerning tax deductions for certain educational expenses, supplementing chapter 71B of Title 18A of the New Jersey Statutes, chapter 3 of Title 54A of the New Jersey Statutes, amending P.L.1997, c.237, and making an appropriation.

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

C.54A:3-11 Short title.

1. Sections 2 through 5 of P.L.2021, c.128 (C.18A:71B-42.1 et al.) shall be known and may be cited as the “New Jersey College Affordability Act.”

C.18A:71B-42.1 One-time grant; rules.

2. a. A NJBEST account when it is initially opened by a taxpayer with gross income of \$75,000 or less shall be eligible for a one-time grant of up to \$750 in a dollar-for-dollar match of the initial deposit to the account.

b. Notwithstanding the provisions of the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B -1 et seq.), to the contrary, the authority may adopt, immediately upon filing with the Office of Administrative Law, rules that the authority deems necessary for the appropriate administration and implementation of the provisions of this section, including, a minimum length of time for participation in the NJBEST program in order to maintain eligibility for the credit established pursuant to this section, which rules shall be effective for a period not to exceed 360 days from the date of the filing. The authority shall thereafter amend, adopt, or readopt the rules in accordance with the requirements of P.L.1968, c.410 (C.52:14B-1 et seq.).

C.54A:3-12 Allowable deduction in the amount of taxpayer’s contribution.

3. A taxpayer with gross income of \$200,000 or less shall be allowed a deduction, not to exceed \$10,000, from the taxpayer’s gross income for the taxable year in the amount of the taxpayer’s contribution for the taxable year

to an account established pursuant to the "New Jersey Better Educational Savings Trust Program," (N.J.S.18A:71B-35 et seq.).

C.54A:3-13 Allowable deduction in the amount of student loan principal, interest payments.

4. A taxpayer with gross income of \$200,000 or less shall be allowed a deduction, not to exceed \$2,500, from the taxpayer's gross income for the taxable year in the amount of principal and interest payments paid on a student loan under the New Jersey College Loans to Assist State Students Loan Program established pursuant to N.J.S.18A:71C-21.

C.54A:3-14 Allowable deduction in the amount of higher education tuition costs.

5. a. A taxpayer with gross income of \$200,000 or less shall be allowed a deduction, not to exceed \$10,000, from the taxpayer's gross income for the taxable year in the amount the taxpayer paid to an in-State institution of higher education during the taxable year for tuition costs related to the taxpayer's enrollment or attendance at the institution of higher education or related to the enrollment or attendance of a spouse or dependent of the taxpayer at the institution.

b. As used in this section, "tuition costs" means the charges imposed by an in-State institution of higher education that are designated by the institution as the tuition costs required for the enrollment or attendance of the taxpayer or a spouse or dependent of the taxpayer at the institution.

6. Section 13 of P.L.1997, c.237 (C.54A:6-25) is amended to read as follows:

C.54A:6-25 Certain earnings, distributions excluded from gross income.

13. a. Gross income shall not include earnings on a Coverdell education savings account, a qualified tuition program account, or a qualified ABLE account until the earnings are distributed from the account, at which time the amount of the distribution attributable to earnings on the account and the amount of the distribution attributable to contributions allowed as a deduction pursuant to section 3 of P.L.2021, c.128 (C.54A:3-12) shall be includible in the gross income of the distributee except as provided in this section.

b. Gross income shall not include qualified distributions as defined in paragraph (3) of subsection c. of this section.

c. For purposes of this section:

(1) "Coverdell education savings account" means a Coverdell education savings account as defined pursuant to paragraph (1) of subsection (b) of section 530 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.530.

(2) "Qualified tuition program account" means an account established pursuant to the "New Jersey Better Educational Savings Trust (NJBEST) Program," (N.J.S.18A:71B-35 et seq.) or an account established pursuant to any qualified tuition program, as defined pursuant to subsection (b) of section 529 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.529 or a tuition credit or certificate purchased pursuant to any such program.

(3) "Qualified distribution" means any of the following:

(a) a distribution from a qualified tuition program account that is used for qualified higher education expenses as defined pursuant to paragraph (3) of subsection (e) of section 529 or a distribution from a qualified ABLE account that is used for qualified disability expenses as defined pursuant to paragraph (5) of subsection (e) of section 529A of the federal Internal Revenue Code of 1986, 26 U.S.C. s.529 or 529A;

(b) a rollover from one account to another account as described in clause (i) of subparagraph (C) of paragraph (3) of subsection (c) of section 529, clause (i) of subparagraph (C) of paragraph (1) of subsection (c) of section 529A, or paragraph (5) of subsection (d) of section 530 of the federal Internal Revenue Code of 1986, 26 U.S.C. s. 529, 529A, or 530; or

(c) a change in designated beneficiaries of an account as described in clause (ii) of subparagraph (C) of paragraph (3) of subsection (c) of section 529, clause (ii) of subparagraph (C) of paragraph (1) of subsection (c) of section 529A, or paragraph (6) of subsection (d) of section 530 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.529, 529A, or 530; and

(d) any other transfer involving a qualified ABLE account which is a qualified distribution for the purposes of section 529A of the federal Internal Revenue Code, 26 U.S.C. s.529A.

(4) "Qualified ABLE account" means an account established pursuant to P.L.2015, c.185 (C.52:18A-250 et al.) or an account established pursuant to any qualified State ABLE Program established pursuant to section 529A of the federal Internal Revenue Code of 1986, 26 U.S.C. s.529A.

d. The portion of a distribution from a Coverdell education savings account, a qualified ABLE account, or a qualified tuition program account that is attributable to earnings and the amount of the distribution attributable to contributions allowed as a deduction pursuant to section 3 of P.L.2021, c.128 (C.54A:3-12) shall be determined in accordance with the principles of section 72 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.72, as applied for purposes of sections 529, 529A, and 530 of the federal Internal Revenue Code of 1986, 26 U.S.C. ss.529, 529A, and 530.

7. There is appropriated from the General Fund to the Higher Education Student Assistance Authority the sum of \$10,000,000 for the credits established pursuant to section 2 of P.L.2021, c.128 (C.18A:71B-42.1).

8. This act shall take effect immediately. Section 3 of the bill shall apply to contributions made for taxable years beginning after enactment. Section 4 of the bill shall apply to principal and interest payments made for taxable years beginning after enactment. Section 5 of the bill shall apply to payments for tuition costs made for taxable years beginning after enactment.

Approved June 29, 2021.

CHAPTER 129

AN ACT providing a partial pension and retirement income exclusion for certain taxpayers, amending N.J.S.54A:6-10 and P.L.1977, c.273.

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

1. N.J.S.54A:6-10 is amended to read as follows:

Pensions and annuities.

54A:6-10. Pensions and annuities.

a. Gross income shall not include that part of any amount received as an annuity under an annuity, endowment, or life insurance contract which bears the same ratio to such amount as the investment in the contract as of the annuity starting date bears to the expected return under the contract as of such date. Where (1) part of the consideration for an annuity, endowment, or life insurance contract is contributed by the employer, and (2) during the three-year period beginning on the date on which an amount is first received under the contract as an annuity, the aggregate amount receivable by the employee under the terms of the contract is equal to or greater than the consideration for the contract contributed by the employee, then all amounts received as an annuity under the contract shall be excluded from gross income until there has been so excluded an amount equal to the consideration for the contract contributed by the employee.

b. (1) In addition to that part of any amount received as an annuity which is excludable from gross income as herein provided, gross income shall not include payments:

for taxable years beginning before January 1, 2000, of up to \$10,000 for a married couple filing jointly, \$5,000 for a married person filing separately, or \$7,500 for an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1;

for the taxable year beginning on or after January 1, 2000, but before January 1, 2001, of up to \$12,500 for a married couple filing jointly, \$6,250 for a married person filing separately, or \$9,375 for an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1;

for the taxable year beginning on or after January 1, 2001, but before January 1, 2002, of up to \$15,000 for a married couple filing jointly, \$7,500 for a married person filing separately, or \$11,250 for an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1;

for the taxable year beginning on or after January 1, 2002, but before January 1, 2003, of up to \$17,500 for a married couple filing jointly, \$8,750 for a married person filing separately, or \$13,125 for an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1;

for taxable years beginning on or after January 1, 2003, but before January 1, 2017 of up to \$20,000 for a married couple filing jointly, \$10,000 for a married person filing separately, or \$15,000 for an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1;

for taxable years beginning on or after January 1, 2017, but before January 1, 2018, of up to \$40,000 for a married couple filing jointly, \$20,000 for a married person filing separately, or \$30,000 for an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1;

for taxable years beginning on or after January 1, 2018, but before January 1, 2019, of up to \$60,000 for a married couple filing jointly, \$30,000 for a married person filing separately, or \$45,000 for an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1;

for taxable years beginning on or after January 1, 2019, but before January 1, 2020, of up to \$80,000 for a married couple filing jointly, \$40,000 for a married person filing separately, or \$60,000 for an individual filing as a

single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1;

for taxable years beginning on or after January 1, 2020, of up to \$100,000 for a married couple filing jointly, \$50,000 for a married person filing separately, or \$75,000 for an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1;

for taxable years beginning on or after January 1, 2021, for a taxpayer with gross income in excess of \$100,000, but not more than \$125,000, 50 percent of payments for a married couple filing jointly, 25 percent of payments for a married couple filing separately, or 37.5 percent of payments for an individual filing as a single taxpayer or individual determining tax pursuant to subsection a. of N.J.S.54A:2-1;

for taxable years beginning on or after January 1, 2021, for a taxpayer with gross income in excess of \$125,000, but not more than \$150,000, 25 percent of payments for a married couple filing jointly, 12.5 percent of payments for a married couple filing separately, or 18.75 percent of payments for an individual filing as a single taxpayer or individual determining tax pursuant to subsection a. of N.J.S.54A:2-1,

which are received as an annuity, endowment or life insurance contract, or payments of any such amounts which are received as pension, disability, or retirement benefits, under any public or private plan, whether the consideration therefor is contributed by the employee or employer or both, by any person who is 62 years of age or older or who, by virtue of disability, is or would be eligible to receive payments under the federal Social Security Act.

(2) For taxable years beginning on or after January 1, 2005, but before January 1, 2021, the exclusion provided by this subsection shall only be allowed if the taxpayer has gross income for the taxable year of not more than \$100,000.

For taxable years beginning on or after January 1, 2021, the exclusion provided by this subsection shall only be allowed if the taxpayer has gross income for the taxable year of not more than \$150,000.

c. Gross income shall not include any amount received under any public or private plan by reason of a permanent and total disability.

d. Gross income shall not include distributions from an employees' trust described in section 401(a) of the Internal Revenue Code of 1986, as amended (hereinafter referred to as "the Code"), which is exempt from tax under section 501(a) of the Code if the distribution, except the portion representing the employees' contributions, is rolled over in accordance with section 402(a)(5) or section 403(a)(4) of the Code. The distribution shall be paid in one or more installments which constitute a lump-sum distribution within the meaning of section 402(e)(4)(A) (determined without reference to

subsection (e)(4)(B)), or be on account of a termination of a plan of which the trust is a part or, in the case of a profit-sharing or stock bonus plan, a complete discontinuance of contributions under such plan.

2. Section 3 of P.L.1977, c.273 (C.54A:6-15) is amended to read as follows:

C.54A:6-15 Other retirement income.

3. Other retirement income. a. (1) Gross income shall not include income: for taxable years beginning before January 1, 2000, of up to \$10,000 for a married couple filing jointly, \$5,000 for a married person filing separately, or \$7,500 for an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1;

for the taxable year beginning on or after January 1, 2000, but before January 1, 2001, of up to \$12,500 for a married couple filing jointly, \$6,250 for a married person filing separately, or \$9,375 for an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1;

for the taxable year beginning on or after January 1, 2001, but before January 1, 2002, of up to \$15,000 for a married couple filing jointly, \$7,500 for a married person filing separately, or \$11,250 for an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1;

for the taxable year beginning on or after January 1, 2002, but before January 1, 2003, of up to \$17,500 for a married couple filing jointly, \$8,750 for a married person filing separately, or \$13,125 for an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1;

for taxable years beginning on or after January 1, 2003, but before January 1, 2017, gross income shall not include income of up to \$20,000 for a married couple filing jointly, \$10,000 for a married person filing separately, or \$15,000 for an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1;

for taxable years beginning on or after January 1, 2017 but before January 1, 2018, gross income shall not include income of up to \$40,000 for a married couple filing jointly, \$20,000 for a married person filing separately, or \$30,000 for an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1;

for taxable years beginning on or after January 1, 2018, but before January 1, 2019, gross income shall not include income of up to \$60,000 for a

married couple filing jointly, \$30,000 for a married person filing separately, or \$45,000 for an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1;

for taxable years beginning on or after January 1, 2019, but before January 1, 2020, gross income shall not include income of up to \$80,000 for a married couple filing jointly, \$40,000 for a married person filing separately, or \$60,000 for an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1;

for taxable years beginning on or after January 1, 2020, gross income shall not include income of up to \$100,000 for a married couple filing jointly, \$50,000 for a married person filing separately, or \$75,000 for an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1;

for taxable years beginning on or after January 1, 2021, for a taxpayer with gross income in excess of \$100,000, but not more than \$125,000, 50 percent of income for a married couple filing jointly, 25 percent of income for a married couple filing separately, or 37.5 percent of income for an individual filing as a single taxpayer or individual determining tax pursuant to subsection a. of N.J.S.54A:2-1;

for taxable years beginning on or after January 1, 2021, for a taxpayer with income in excess of \$125,000, but not more than \$150,000, 25 percent of gross income for a married couple filing jointly, 12.5 percent of income for a married couple filing separately, or 18.75 percent of income for an individual filing as a single taxpayer or individual determining tax pursuant to subsection a. of N.J.S.54A:2-1,

when received in any tax year by a person aged 62 years or older who received no income in excess of \$3,000 from one or more of the sources enumerated in subsections a., b., k. and p. of N.J.S.54A:5-1.

(2) For taxable years beginning on or after January 1, 2005, but before January 1, 2021, the exclusion provided by this subsection shall only be allowed if the taxpayer has gross income for the taxable year of not more than \$100,000.

For taxable years beginning on or after January 1, 2021, the exclusion provided by this subsection shall only be allowed if the taxpayer has gross income for the taxable year of not more than \$150,000.

(3) The total exclusion under this subsection and that allowable under N.J.S.54A:6-10 shall not exceed the amounts of the exclusions set forth in this subsection.

b. In addition to the exclusion provided under N.J.S.54A:6-10 and subsection a. of this section, gross income shall not include income of up to \$6,000 for a married couple filing jointly or an individual determining tax

pursuant to subsection a. of N.J.S.54A:2-1, or \$3,000 for a single person or a married person filing separately, who is not covered under N.J.S.54A:6-2 or N.J.S.54A:6-3, but who would be eligible in any year to receive payments under either section if he or she were covered thereby.

3. This act shall take effect immediately.

Approved June 29, 2021.

CHAPTER 130

AN ACT modifying age requirements under the New Jersey earned income tax credit program, amending P.L.2000, c.80.

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

1. Section 2 of P.L.2000, c.80 (C.54A:4-7) is amended to read as follows:

C.54A:4-7 New Jersey Earned Income Tax Credit program.

2. There is established the New Jersey Earned Income Tax Credit program in the Division of Taxation in the Department of the Treasury.

a. (1) A resident individual who is eligible for a credit under section 32 of the federal Internal Revenue Code of 1986 (26 U.S.C. s.32) shall be allowed a credit for the taxable year equal to a percentage, as provided in paragraph (2) of this subsection, of the federal earned income tax credit that would be allowed to the individual or the married individuals filing a joint return under section 32 of the federal Internal Revenue Code of 1986 (26 U.S.C. s.32) for the same taxable year for which a credit is claimed pursuant to this section, subject to the restrictions of this subsection and subsections b., c., d. and e. of this section and the modifications of paragraph (4) of this subsection.

(2) For the purposes of the calculation of the New Jersey earned income tax credit, the percentage of the federal earned income tax credit referred to in paragraph (1) of this subsection shall be:

(a) 10% for the taxable year beginning on or after January 1, 2000, but before January 1, 2001;

(b) 15% for the taxable year beginning on or after January 1, 2001, but before January 1, 2002;

(c) 17.5% for the taxable year beginning on or after January 1, 2002, but before January 1, 2003;

(d) 20% for taxable years beginning on or after January 1, 2003, but before January 1, 2008;

(e) 22.5% for taxable years beginning on or after January 1, 2008 but before January 1, 2009;

(f) 25% for taxable years beginning on or after January 1, 2009 but before January 1, 2010;

(g) 20% for taxable years beginning on or after January 1, 2010, but before January 1, 2015;

(h) 30% for taxable years beginning on or after January 1, 2015, but before January 1, 2016;

(i) 35% for taxable years beginning on or after January 1, 2016, but before January 1, 2018;

(j) 37% for the taxable year beginning on or after January 1, 2018, but before January 1, 2019;

(k) 39% for the taxable year beginning on or after January 1, 2019, but before January 1, 2020; and

(l) 40% for taxable years beginning on or after January 1, 2020.

(3) To qualify for the New Jersey earned income tax credit, if the claimant is married, except for a claimant who files as a head of household or surviving spouse for federal income tax purposes for the taxable year, the claimant shall file a joint return or claim for the credit.

(4) A resident individual who is at least 18 years of age or older, but cannot claim a qualifying child as defined under section 152 of the federal Internal Revenue Code of 1986 (26 U.S.C. s.152) for the federal earned income tax credit, shall be eligible for the New Jersey earned income tax credit if that resident individual is ineligible to claim the federal earned income tax credit due to age requirements. The resident individual shall meet all qualifications, except for the minimum or maximum age, for the federal earned income tax credit in order to be eligible for the New Jersey earned income tax credit. Calculation of the New Jersey earned income tax credit available to individuals pursuant to this paragraph shall be predicated on the federal maximum amount for taxpayers with no qualifying child for each taxable year beginning on and after January 1, 2020.

b. In the case of a part-year resident claimant, the amount of the credit allowed pursuant to this section shall be pro-rated, based upon that proportion which the total number of months of the claimant's residency in the taxable year bears to 12 in that period. For this purpose, 15 days or more shall constitute a month.

c. The amount of the credit allowed pursuant to this section shall be applied against the tax otherwise due under N.J.S.54A:1-1 et seq., after all other credits and payments. If the credit exceeds the amount of tax otherwise due, that amount of excess shall be an overpayment for the purposes of N.J.S.54A:9-7; provided however, that subsection (f) of N.J.S.54A:9-7 shall not apply. The credit provided under this section as a credit against the tax otherwise due and the amount of the credit treated as an overpayment shall be treated as a credit towards or overpayment of gross income tax, subject to all provisions of N.J.S.54A:1-1 et seq., except as may be otherwise specifically provided in P.L.2000, c.80 (C.54A:4-6 et al.).

d. The Director of the Division of Taxation in the Department of the Treasury shall establish a program for the distribution of earned income tax credits pursuant to the provisions of this section.

e. Any earned income tax credit pursuant to this section shall not be taken into account as income or receipts for purposes of determining the eligibility of an individual for benefits or assistance or the amount or extent of benefits or assistance under any State program and, to the extent permitted by federal law, under any State program financed in whole or in part with federal funds.

2. This act shall take effect immediately and apply to taxable years beginning on or after January 1, 2021.

Approved June 29, 2021.

CHAPTER 131

AN ACT concerning eligibility for the Pharmaceutical Assistance to 1 the Aged and Disabled program and amending P.L.1975, c.194.

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

1. Section 2 of P.L.1975, c.194 (C.30:4D-21) is amended to read as follows:

C.30:4D-21 Pharmaceutical assistance eligibility.

2. a. Any resident of this State who is either a recipient of disability insurance benefits under Title II of the federal Social Security Act (42 U.S.C. s. 401 et seq.) or 65 years of age and over and whose annual income is less than \$38,769 if single or, if married, whose annual income combined with that of his spouse is less than \$45,270, shall be eligible for "Pharmaceutical

Assistance to the Aged and Disabled" if he is not otherwise qualified for assistance under P.L.1968, c.413 (C.30:4D-1 et seq.). Annual income shall not include gain from the sale of a principal residence that is excluded from gross income pursuant to N.J.S.54A:6-9.

b. (1) Except as provided in paragraph (2) of this subsection, beginning January 1, 1996 and annually thereafter, the income eligibility limits provided in subsection a. of this section shall increase by the amount of the maximum Social Security benefit cost-of-living increase for that year for single and married persons, respectively. The commissioner shall adopt the new income limits annually by regulation pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

(2) No cost-of-living increase shall be applied under paragraph (1) of this subsection in calendar year 2022. The cost-of-living increase shall resume beginning January 1, 2023, and the income eligibility limits shall be annually increased thereafter consistent with the requirements of paragraph (1) of this subsection.

2. This act shall take effect on January 1, 2022, but the Commissioner of Human Services may take such anticipatory administrative action in advance as shall be necessary for the implementation of the act.

Approved June 29, 2021.

CHAPTER 132

AN ACT concerning NJ FamilyCare and amending P.L.2005, c.156 and P.L.2008, c.38.

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

1. Section 5 of P.L.2005, c.156 (C.30:4J-12) is amended to read as follows:

C.30:4J-12 Purpose of program.

5. a. The purpose of the program shall be to provide subsidized health insurance coverage, and other health care benefits as determined by the commissioner, to children under 19 years of age and their parents or caretakers and to adults without dependent children, within the limits of funds appropriated or otherwise made available for the program.

The program may require families to pay copayments. The program shall include the provision of well-child and other preventive services, hospitalization, physician care, laboratory and x-ray services, prescription drugs, mental health services, and other services as determined by the commissioner.

b. The commissioner shall take such actions as are necessary to implement and operate the program in accordance with the State Children's Health Insurance Program established pursuant to 42 U.S.C.s.1397aa et seq.

c. The commissioner:

(1) shall, by regulation, establish standards for determining eligibility and other program requirements;

(2) shall require that a parent or caretaker who is a qualified applicant purchase coverage, if available, through an employer-sponsored health insurance plan which is determined to be cost-effective and is approved by the commissioner, and shall provide assistance to the qualified applicant to purchase that coverage, except that the provisions of this paragraph shall not be construed to require an employer to provide health insurance coverage for any employee or employee's spouse or dependent child;

(3) may, by regulation, establish plans of coverage and benefits to be covered under the program, except that the provisions of this section shall not apply to coverage for medications used exclusively to treat AIDS or HIV infection; and

(4) shall establish, by regulation, other requirements for the program, including, but not limited to, copayments. Except as may be required for the NJ FamilyCare Advantage program established pursuant to subsection j. of this section, premiums shall not be established within the program. The commissioner may contract with one or more appropriate entities, including managed care organizations, to assist in administering the program. The period for which eligibility for the program is determined shall be the maximum period permitted under federal law.

d. The commissioner shall establish procedures for determining eligibility, which shall include, at a minimum, the following enrollment simplification practices:

(1) A streamlined application form as established pursuant to subsection k. of this section;

(2) Require new applicants to submit one recent pay stub from the applicant's employer, or, if the applicant has more than one employer, one from each of the applicant's employers, to verify income. In the event the applicant cannot provide a recent pay stub, the applicant may submit another form of income verification as deemed appropriate by the commissioner. If an applicant does

not submit income verification in a timely manner, before determining the applicant ineligible for the program, the commissioner shall seek to verify the applicant's income by reviewing available Department of the Treasury and Department of Labor and Workforce Development records concerning the applicant, and such other records as the commissioner determines appropriate.

The commissioner shall establish retrospective auditing or income verification procedures, such as sample auditing and matching reported income with records of the Department of the Treasury and the Department of Labor and Workforce Development and such other records as the commissioner determines appropriate.

In matching reported income with confidential records of the Department of the Treasury, the commissioner shall require an applicant to provide written authorization for the Division of Taxation in the Department of the Treasury to release applicable tax information to the commissioner for the purposes of establishing income eligibility for the program. The authorization, which shall be included on the program application form, shall be developed by the commissioner, in consultation with the State Treasurer;

(3) Online enrollment and renewal, in addition to enrollment and renewal by mail. The online enrollment and renewal forms shall include electronic links to other State and federal health and social services programs;

(4) Continuous enrollment;

(5) Simplified renewal by sending an enrollee a preprinted renewal form and requiring the enrollee to sign and return the form, with any applicable changes in the information provided in the form, prior to the date the enrollee's annual eligibility expires. The commissioner shall establish such auditing or income verification procedures, as provided in paragraph (2) of this subsection;

(6) Provision of program eligibility-identification cards that are issued no more frequently than once a year; and

(7) Provision of information regarding other health care programs for which an enrollee may be eligible to any enrollee terminated from the program.

e. The commissioner shall take, or cause to be taken, any action necessary to secure for the State the maximum amount of federal financial participation available with respect to the program, subject to the constraints of fiscal responsibility and within the limits of available funding in any fiscal year. In this regard, notwithstanding the definition of "qualified applicant," the commissioner may enroll in the program such children or their parents or caretakers who may otherwise be eligible for the Medicaid program in order to maximize use of federal funds that may be available pursuant to 42 U.S.C. s.1397aa et seq.

f. No child who applies for enrollment in the program who otherwise meets the eligibility criteria for enrollment shall be denied immediate enrollment for any reason. In no case shall any qualified applicant for enrollment be subject to a waiting period prior to enrollment.

g. The commissioner shall provide, by regulation, for presumptive eligibility for the program in accordance with the following provisions:

(1) A child who presents for treatment at a general hospital, federally qualified or community health center, local health department that provides primary care, or other State licensed community-based primary care provider shall be deemed presumptively eligible for the program if a preliminary determination by hospital, health center, local health department or licensed health care provider staff indicates that the child meets program eligibility standards and is a member of a household with an income that does not exceed 350 percent of the poverty level;

(2) The provisions of paragraph (1) of this subsection shall also apply to a child who is deemed presumptively eligible for Medicaid coverage pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.);

(3) The parent or caretaker of a child deemed presumptively eligible pursuant to this subsection shall be required to submit a completed application for the program no later than the end of the month following the month in which presumptive eligibility is determined;

(4) A child shall be eligible to receive all services covered by the program during the period in which the child is presumptively eligible; and

(5) The commissioner may, by regulation, establish a limit on the number of times a child may be deemed presumptively eligible for NJ FamilyCare.

h. The commissioner, in consultation with the Commissioner of Education, shall administer an ongoing enrollment initiative to provide outreach to children throughout the State who may be eligible for the program.

(1) With respect to school-age children, the commissioner, in consultation with the Commissioner of Education and the Secretary of Agriculture, shall develop a form that provides information about the NJ FamilyCare and Medicaid programs and provides an opportunity for the parent or guardian who signs the school lunch application form to give consent for information to be shared with the Department of Human Services for the purpose of determining eligibility for the programs. The form shall be attached to, included with, or incorporated into, the school lunch application form.

The commissioner, in consultation with the Commissioner of Education, shall establish procedures for schools to transmit information attached to, included with, or provided on the school lunch application form regarding the

NJ FamilyCare and Medicaid programs to the Department of Human Services, in order to enable the department to determine eligibility for the programs.

(2) The commissioner or the Commissioner of Education, as applicable, shall:

(a) make available to each elementary and secondary school, licensed child care center, registered family day care home, unified child care agency, local health department that provides primary care, and community-based primary care provider, informational materials about the program, including instructions for applying online or by mail, as well as copies of the program application form.

The entity shall make the informational and application materials available, upon request, to persons interested in the program; and

(b) request each entity to distribute a notice at least annually, as developed by the commissioner, to households of children attending or receiving its services or care, informing them about the program and the availability of informational and application materials. In the case of elementary and secondary schools, the information attached to, included with, or incorporated into, the school lunch application form for school-age children pursuant to this subparagraph shall be deemed to meet the requirements of this paragraph.

i. Subject to federal approval, the commissioner shall, by regulation, establish that in determining income eligibility for a child, any gross family income above 200 percent of the poverty level, up to a maximum of 350 percent of the poverty level, shall be disregarded.

j. The commissioner shall establish a NJ FamilyCare coverage buy-in program, which shall be known as NJ FamilyCare Advantage.

The commissioner shall establish the premium and cost sharing amounts required to purchase coverage, except that the premium shall not exceed the amount the program pays per month to a managed care organization under NJ FamilyCare for a child of comparable age whose family income is less than 350 percent of the poverty level, plus a reasonable processing fee.

k. The commissioner, in consultation with the Rutgers Center for State Health Policy, shall develop a streamlined application form for the NJ FamilyCare and Medicaid programs.

l. The Commissioner of Human Services shall establish a hardship waiver for part or all of any premium authorized under this section. A parent or caretaker may apply to the commissioner for a hardship waiver in a manner and form established by the commissioner. If the parent or caretaker can demonstrate to the satisfaction of the commissioner, pursuant to regulations adopted by the commissioner, that payment of all or part of the premium for

the parent or caretaker's child presents a hardship, the commissioner shall grant the waiver for a prescribed period of time:

2. Section 26 of P.L.2008, c.38 (C.30:4J-18) is amended to read as follows:

C.30:4J-18 Enhanced outreach, enrollment initiative for certain programs.

26. The Commissioner of Human Services shall establish an enhanced NJ FamilyCare outreach and enrollment initiative to increase public awareness about the availability of, and benefits to enrolling in, Medicaid, NJ FamilyCare, and the NJ FamilyCare Advantage buy-in programs. The initiative shall be coordinated with any outreach efforts implemented pursuant to subsection h. of section 5 of P.L. 2005, c.156 (C.30:4J-12) or related to enrollment in the State's health insurance Exchange established pursuant to the federal "Patient Protection and Affordable Care Act," Pub.L.111-148, as amended by the "Health Care and Education Reconciliation Act of 2010," Pub.L.111-152, and shall include:

a. providing input to the Commissioner of Banking and Insurance for the provision of training to Exchange enrollment assistors, and, as determined by the commissioner, the provision of training to local officials and any other pertinent staff on the eligibility requirements of the NJ FamilyCare program and how to enroll children in the program;

b. culturally sensitive, Statewide and local media public awareness campaigns addressing the availability of health care coverage for parents and children under the Medicaid and NJ FamilyCare programs and health care coverage for children under the NJ FamilyCare Advantage buy-in program; and

c. the provision of training and support services, upon request, to community groups, legislative district offices, and community-based health care providers to enable these parties to assist in enrolling parents and children in the applicable programs.

3. Section 27 of P.L.2008, c.38 (C.30:4J-19) is amended to read as follows:

C.30:4J-19 Outreach, Enrollment, and Retention Working Group.

27. The Commissioner of Human Services shall establish an Outreach, Enrollment, and Retention Working Group to develop a plan to carry out ongoing and sustainable measures to strengthen outreach to low and moderate income families who may be eligible for Medicaid, NJ FamilyCare, or NJ FamilyCare Advantage, to maximize enrollment in these programs, and to ensure retention of enrollees in these programs.

a. The members of the working group shall include:

(1) The Commissioners of Human Services, Health, Banking and Insurance, Children and Families, Labor and Workforce Development, Education, and Community Affairs, and the Secretary of Agriculture, or their designees, who shall serve *ex officio*; and

(2) Ten public members appointed by the Commissioner of Human Services who shall include: one person who represents racial and ethnic minorities in this State; one person who represents managed care organizations that participate in the Medicaid and NJ FamilyCare programs; one person who represents the vendor under contract with the Division of Medical Assistance and Health Services to provide NJ FamilyCare eligibility, enrollment, and health benefit coordinator services to the division; one person who represents New Jersey Policy Perspective; one person who represents the Advocates for Children of New Jersey; one person who represents Legal Services of New Jersey; one person who represents the New Jersey Health Care Quality Institute; one person who represents county navigators; and two people who represent the New Jersey for Health Care coalition.

b. As part of the plan, the working group shall:

(1) determine if there are obstacles to enrollment of minorities in the State in the Medicaid, NJ FamilyCare, and NJ FamilyCare Advantage programs due to ethnic and cultural differences and, if so, develop strategies for the Department of Human Services to overcome these obstacles and increase enrollment among minorities;

(2) recommend outreach strategies to identify and enroll all eligible children in the Medicaid, NJ FamilyCare, and NJ FamilyCare Advantage programs and to retain enrollment of children and their parents in the programs;

(3) establish monthly enrollment goals for the number of children who need to be enrolled in Medicaid, NJ FamilyCare, and NJ FamilyCare Advantage in order to ensure that as many children as possible who are eligible for these programs are enrolled within a reasonable period of time, in accordance with the mandate established pursuant to section 2 of P.L.2008, c.38 (C.26:15-2); and

(4) make such other recommendations to the Commissioner of Human Services as the working group determines necessary and appropriate to achieve the purposes of this section.

c. The working group shall organize and hold a meeting no later than 60 days following the date of enactment of P.L.2021, c.132. The working group shall select a chairperson and vice-chairperson from among the members. The chairperson shall appoint a secretary who need not be a member of the working group.

(1) The public members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties and within the limits of funds available to the working group.

(2) The working group shall be entitled to call to its assistance and avail itself of the services of the employees of any State, county, or municipal department, board, bureau, commission, or agency as it may require and as may be available to it for its purposes.

d. Upon completion of the plan, the working group shall report on its activities to the chairperson of the Senate and Assembly standing reference committees on health and human services, and include a copy of the plan and any recommendations for legislative action it deems appropriate.

e. The Commissioner of Human Services shall post the plan on the department's Internet website and include a table showing the monthly enrollment goals established in the plan and the actual new and continued enrollments for that month. The commissioner shall update the table monthly.

f. The Department of Human Services shall provide staff support to the working group.

4. There shall be an annual appropriation from the General Fund to the Department of Human Services in the sum of \$20,000,000 for the purposes of implementing the provisions of this act.

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

6. The Commissioner of Human Services shall apply for such State plan amendments or waivers as may be necessary to implement the provisions of this act and to secure federal financial participation for State Medicaid expenditures under the federal Medicaid program and for NJ FamilyCare expenditures under the State Children's Health Insurance Program pursuant to 42 U.S.C. s.1397aa et seq.

7. This act shall take immediately.

Approved June 29, 2021.

CHAPTER 133

AN ACT making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 2022 and regulating the disbursement thereof.

**ANTICIPATED RESOURCES
FOR THE FISCAL YEAR 2021-2022
GENERAL FUND**

Undesignated Fund Balance, July 1, 2021:..... \$1,744,548,000

Major Taxes

Sales.....	\$11,350,400,000
Energy Tax Receipts - Sales Tax.....	788,492,000
Sales – Energy	62,408,000
Less: Sales Tax Dedication	(895,900,000)
Corporation Business.....	3,964,260,000
Corporation Business – Energy	11,000,000
Petroleum Products Gross Receipts.....	1,753,200,000
Less: Petroleum Products Gross Receipts - Capital Reserves....	(898,401,000)
Business Alternative Income Tax.....	1,370,000,000
Insurance Premium	540,000,000
Motor Fuels	474,000,000
Motor Vehicle Fees	446,209,000
Realty Transfer	488,000,000
Transfer Inheritance.....	420,000,000
Alcoholic Beverage Excise.....	138,248,000
Corporation Banks and Financial Institutions.....	117,500,000
Cigarette	59,793,000
Tobacco Products Wholesale Sales	31,828,000
Public Utility Excise (Reform)	<u>19,500,000</u>
Total - Major Taxes.....	<u>\$20,240,537,000</u>

Miscellaneous Taxes, Fees and Revenues

Executive Branch

 Department of Agriculture:

 Fertilizer Inspection Fees..... \$366,000

 Miscellaneous Revenue..... 2,000

 Subtotal, Department of Agriculture \$368,000

 Department of Banking and Insurance:

 Actuarial Services \$30,000

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.

Banking - Assessments	13,145,000
Banking - Licenses and Other Fees	1,900,000
Fraud Fines	1,300,000
HMO Covered Lives	50,000
Insurance - Examination Billings	600,000
Insurance - Licenses and Other Fees	50,000,000
Insurance - Special Purpose Assessment	38,535,000
Insurance Fraud Prevention	29,467,000
Real Estate Commission	<u>3,900,000</u>
Subtotal, Department of Banking and Insurance	<u>\$138,927,000</u>
Department of Children and Families:	
Child Care Licensing	\$275,000
Contract Recoveries	13,500,000
Divorce Filing Fees	1,350,000
Marriage License/Civil Union Fees	<u>1,150,000</u>
Subtotal, Department of Children and Families	<u>\$16,275,000</u>
Department of Community Affairs:	
Affordable Housing and Neighborhood Preservation –	
Fair Housing	\$16,035,000
Construction Fees	17,134,000
Fire Safety	17,755,000
Housing Inspection Fees	11,057,000
Planned Real Estate Development Fees	<u>750,000</u>
Subtotal, Department of Community Affairs	<u>\$62,731,000</u>
Department of Education:	
Audit of Enrollments	\$1,086,000
Audit Recoveries	120,000
Nonpublic Schools Textbook Recoveries	4,027,000
School Construction Inspection Fees	890,000
State Board of Examiners	<u>4,554,000</u>
Subtotal, Department of Education	<u>\$10,677,000</u>
Department of Environmental Protection:	
Air Pollution Fees - Minor Sources	\$7,900,000
Air Pollution Fees - Title V Operating Permits	3,500,000
Air Pollution Fines	850,000
Clean Water Enforcement Act	1,900,000
Coastal Area Facility Review Act	1,800,000
Endangered Species Tax Check-Off	182,000
Environmental Infrastructure Financing Program	
Administrative Fee	5,000,000
Excess Diversion	150,000
Freshwater Wetlands Fees	3,100,000
Freshwater Wetlands Fines	170,000

Hazardous Waste Fees	2,700,000
Hazardous Waste Fines	650,000
Hunters' and Anglers' Licenses	12,570,000
Industrial Site Recovery Act	30,000
Laboratory Certification Fees	2,200,000
Laboratory Certification Fines	50,000
Marina Rentals	885,000
Marine Lands - Preparation and Filing Fees	150,000
Medical Waste	5,250,000
New Jersey Pollutant Discharge Elimination System/Stormwater	
Permits	16,700,000
Parks Management Fees and Permits	4,300,000
Parks Management Fines	60,000
Pesticide Control Fees	4,400,000
Pesticide Control Fines	75,000
Radiation Protection Fees	3,300,000
Radiation Protection Fines	175,000
Radon Testers Certification	300,000
Solid Waste - Utility Regulation Assessments	3,100,000
Solid Waste Fines	1,000,000
Solid Waste Management Fees	5,700,000
Solid and Hazardous Waste Disclosure	200,000
Stream Encroachment	3,800,000
Toxic Catastrophe Prevention Fees	1,700,000
Toxic Catastrophe Prevention Fines	100,000
Treatment Works Approval	1,500,000
Underground Storage Tanks Fees	500,000
Water Allocation	2,425,000
Water Supply Management Regulations	1,303,000
Water/Wastewater Operators Licenses	210,000
Waterfront Development Fees	3,100,000
Waterfront Development Fines	30,000
Well Permits/Well Drillers/Pump Installers Licenses	1,100,000
Wetlands	<u>125,000</u>
Subtotal, Department of Environmental Protection	<u>\$104,240,000</u>
Department of Health:	
Admission Charge Hospital Assessment	\$6,000,000
Federal Funds - Graduate Medical Education	128,502,000
Health Care Reform	1,200,000
Licenses, Fines, Permits, Penalties and Fees	5,000,000
Patients' and Residents' Cost Recovery - Psychiatric Hospitals	<u>79,642,000</u>
Subtotal, Department of Health	<u>\$220,344,000</u>
Department of Human Services:	
Early Periodic Screening, Diagnosis and Treatment	\$15,631,000

Medicaid Uncompensated Care – Acute	196,972,000
Medicaid Uncompensated Care - Mental Health	26,649,000
Medicaid Uncompensated Care – Psychiatric	186,208,000
Miscellaneous Revenue - Human Services	5,425,000
Patients’ and Residents’ Cost Recovery - Developmental Disabilities	12,792,000
School Based Medicaid	<u>44,881,000</u>
Subtotal, Department of Human Services	<u>\$488,558,000</u>
Department of Labor and Workforce Development:	
Miscellaneous Revenue	\$100,000
Special Compensation Fund	2,028,000
Workers’ Compensation Assessment	14,067,000
Workplace Standards - Licenses, Permits and Fines	<u>6,858,000</u>
Subtotal, Department of Labor and Workforce Development	<u>\$23,053,000</u>
Department of Law and Public Safety:	
Beverage Licenses	\$4,199,000
Charities Registration Section	556,000
Consumer Affairs	830,000
Controlled Dangerous Substances	1,100,000
Elevator, Escalator and Moving Walkway Mechanics Licensing Board	41,000
Fantasy Sports Operations Fee	1,300,000
Forfeiture Funds	250,000
Legalized Games of Chance Control	700,000
Miscellaneous Revenue	25,000
New Jersey Cemetery Board	3,000
Private Employment Agencies	258,000
Recreational Boating	2,000,000
Securities Enforcement	36,394,000
State Board of Architects	405,000
State Board of Audiology and Speech - Language Pathology Advisory ...	543,000
State Board of Certified Psychoanalysts	1,000
State Board of Certified Public Accountants	57,000
State Board of Chiropractors	495,000
State Board of Cosmetology and Hairstyling	563,000
State Board of Court Reporting	77,000
State Board of Dentistry	2,093,000
State Board of Electrical Contractors	207,000
State Board of HVAC Contractors	545,000
State Board of Marriage Counselor Examiners	225,000
State Board of Massage and Bodyworks	95,000
State Board of Master Plumbers	45,000
State Board of Medical Examiners	2,070,000
State Board of Mortuary Science	180,000

State Board of Nursing.....	5,625,000
State Board of Occupational Therapists and Assistants.....	495,000
State Board of Ophthalmic Dispensers and Ophthalmic Technicians.....	203,000
State Board of Optometrists.....	21,000
State Board of Orthotics and Prosthetics.....	2,000
State Board of Pharmacy.....	540,000
State Board of Physical Therapy.....	585,000
State Board of Polysomnography.....	4,000
State Board of Professional Engineers and Land Surveyors.....	720,000
State Board of Professional Planners.....	135,000
State Board of Psychological Examiners.....	50,000
State Board of Real Estate Appraisers.....	642,000
State Board of Respiratory Care.....	252,000
State Board of Social Workers.....	72,000
State Board of Veterinary Medical Examiners.....	50,000
State Police - Fingerprint Fees.....	3,696,000
State Police - Other Licenses.....	333,000
State Police - Private Detective Licenses.....	185,000
Victims of Violent Crime Compensation.....	3,372,000
Weights and Measures – General.....	<u>2,612,000</u>
Subtotal, Department of Law and Public Safety.....	<u>\$74,851,000</u>
Department of Military and Veterans' Affairs:	
Soldiers' Homes.....	<u>\$51,000,000</u>
Subtotal, Department of Military and Veterans' Affairs.....	<u>\$51,000,000</u>
Department of Transportation:	
Air Safety Fund.....	\$965,000
Applications and Highway Permits.....	2,500,000
Autonomous Transportation Authorities.....	24,500,000
Casualty Losses.....	350,000
Drunk Driving Fines.....	400,000
Good Driver.....	81,965,000
Logo Sign Program Fees.....	300,000
Maritime Program Receipts.....	1,900,000
Miscellaneous Revenue.....	40,000
Outdoor Advertising.....	<u>740,000</u>
Subtotal, Department of Transportation.....	<u>\$113,660,000</u>
Department of the Treasury:	
Assessment on Real Property Greater Than \$1 Million.....	\$156,000,000
Assessments - Cable TV.....	4,826,000
Assessments - Public Utility.....	32,052,000
Asset Value Optimization.....	20,000,000
CATV Universal Access.....	8,770,000
Commercial Recording – Expedited.....	1,150,000
Commissions (Notary).....	1,900,000

Domestic Security	33,780,000
Equipment Leasing Fund - Debt Service Recovery	1,901,000
General Revenue - Fees (Commercial Recording and UCC).....	99,843,000
Higher Education Capital Improvement Fund - Debt Service	
Recovery	24,160,000
Hotel/Motel Occupancy Tax	122,000,000
Investment Earnings	5,400,000
Miscellaneous Revenue – Treasury	3,450,000
NJ Public Records Preservation	40,665,000
Nuclear Emergency Response Assessment	2,543,000
Public Defender Client Receipts	4,000,000
Public Utility Fines	720,000
Public Utility Gross Receipts and Franchise Taxes (Water/Sewer) ...	144,000,000
Railroad Tax - Class II	5,166,000
Railroad Tax – Franchise	13,000,000
Rate Counsel	7,250,000
Ridesharing	36,000,000
Sports Betting - Race Track	2,555,000
Sports Betting - Race Track Internet	45,445,000
Surplus Property	1,000,000
Telephone Assessment	127,086,000
Tire Clean-Up Surcharge	10,400,000
Subtotal, Department of the Treasury	<u>\$955,062,000</u>
Other Sources:	
Miscellaneous Revenue	<u>\$3,000,000</u>
Subtotal, Other Sources	<u>\$3,000,000</u>
Interdepartmental Accounts:	
Administration and Investment of Pension and Health Benefit	
Funds – Recoveries	\$2,810,000
Employee Maintenance Deductions	300,000
Federal Fringe Benefit Recoveries from School Districts	113,130,000
Fringe Benefit Recoveries from Colleges and	
Universities/University Hospital	283,562,000
Fringe Benefit Recoveries from Federal and Other Funds	546,112,000
Indirect Cost Recoveries - DEP Other Funds	12,400,000
Rent of State Building Space	2,950,000
Social Security Recoveries from Federal and Other Funds	<u>66,465,000</u>
Subtotal, Interdepartmental Accounts	<u>\$1,027,729,000</u>
The Judiciary:	
Court Fees	\$38,259,000
Pretrial Services Program - 21st Century Justice Improvement Fund..	<u>16,000,000</u>
Subtotal, The Judiciary	<u>\$54,259,000</u>
Total, Miscellaneous Taxes, Fees and Revenues	<u>\$3,344,734,000</u>

Interfund Transfers

Beaches and Harbor Fund.....	\$1,000
Building Our Future Fund	27,000
Dam, Lake, Stream and Flood Control Project Fund – 2003.....	3,000
Developmental Disabilities Waiting List Reduction Fund	3,000
Enterprise Zone Assistance Fund	40,122,000
Fund for the Support of Free Public Schools.....	5,272,000
Garden State Green Acres Preservation Trust Fund	6,113,000
Hazardous Discharge Site Cleanup Fund	19,749,000
Housing Assistance Fund	8,000
Judiciary Bail Fund.....	4,000
Judiciary Probation Fund.....	10,000
Judiciary Special Civil Fund.....	3,000
Judiciary Superior Court Miscellaneous Fund.....	3,000
Legal Services Trust Fund.....	8,000,000
Mortgage Assistance Fund	89,000
NJ Bridge Rehab. and Improvement and R.R. Right-of-Way Preservation Fund	4,000
Natural Resources Fund.....	1,000
New Jersey Spill Compensation Fund.....	17,833,000
New Jersey Workforce Development Partnership Fund.....	32,712,000
Pollution Prevention Fund.....	1,059,000
Safe Drinking Water Fund.....	2,691,000
Shore Protection Fund	1,000
State Disability Benefit Fund.....	39,223,000
State Owned Real Property Trust Fund	1,335,000
State of New Jersey Cash Management Fund.....	1,556,000
Statewide Transportation and Local Bridge Fund	6,000
Supplemental Workforce Fund for Basic Skills	11,114,000
Unclaimed Insurance Payments on Deposit Accounts Trust Fund	8,000
Unclaimed Personal Property Trust Fund.....	210,000,000
Unclaimed Utility Deposits Trust Fund.....	3,000
Unemployment Compensation Auxiliary Fund	4,218,000
Universal Service Fund	67,650,000
Water Conservation Fund.....	1,000
Water Supply Fund.....	4,715,000
Worker and Community Right to Know Fund	<u>2,866,000</u>
Total Interfund Transfers	<u>\$476,403,000</u>

Total State Revenues General Fund..... \$24,061,674,000

Total Resources, General Fund..... \$25,806,222,000

Property Tax Relief Fund

Undesignated Fund Balance, July 1, 2021:..... \$2,464,571,000

Gross Income Tax.....	16,880,990,000
Sales Tax Dedication	<u>916,500,000</u>
Total Resources, Property Tax Relief Fund.....	<u>\$20,262,061,000</u>

Casino Control Fund

License Fees	<u>\$62,391,000</u>
Total Resources, Casino Control Fund	<u>\$62,391,000</u>

Casino Revenue Fund

Casino Simulcasting Fund	\$172,000
Gross Revenue Tax.....	162,650,000
Internet Gaming.....	154,500,000
Other Casino Taxes and Fees.....	9,261,000
Sports Betting	<u>30,208,000</u>
Total Resources, Casino Revenue Fund.....	<u>\$356,791,000</u>

Gubernatorial Elections Fund

Taxpayers' Designations.....	\$700,000
Total Resources, Gubernatorial Elections Fund.....	<u>\$700,000</u>

Surplus Revenue Fund

Undesignated Fund Balance, July 1, 2021	<u>\$2,443,554,000</u>
Total Resources, Surplus Revenue Fund.....	<u>\$2,443,554,000</u>

Total Resources, All State Funds	<u>\$48,931,719,000</u>
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Federal Revenue

Executive Branch

Department of Agriculture:

Child Care	\$159,350,000
Child Nutrition - School Breakfast.....	215,000,000
Child Nutrition - School Lunch.....	600,000,000
Child Nutrition - Special Milk	1,560,000
Child Nutrition - Summer Programs	222,257,000
Child Nutrition Administration	17,975,000
Child Nutrition Technology Grant	2,000,000
Farm Risk Management Education Program	282,000
Food Stamp - The Emergency Food Assistance Program (TEFAP)	5,000,000
Fresh Fruit and Vegetable Program.....	6,075,000
Indemnities - Avian Influenza.....	615,000
National School Lunch Program - Equipment Assistance for School Food Authorities	1,000,000
New Jersey Animal Food Testing Program.....	670,000
Produce Safety Rule Implementation.....	760,000

Specialty Crop Block Grant Program.....	1,964,000
Trade Mitigation Food Purchase and Distribution Program	2,400,000
Trade Migration Program Administration.....	165,000
Various Federal Programs and Accruals.....	<u>6,461,000</u>
Subtotal, Department of Agriculture.....	<u>\$1,243,534,000</u>
Department of Children and Families:	
Restricted Federal Grants.....	\$49,649,000
Social Services Block Grant.....	44,886,000
Title IV-B Child Welfare Services.....	11,509,000
Title IV-E Foster Care.....	<u>193,347,000</u>
Subtotal, Department of Children and Families	<u>\$299,391,000</u>
Department of Community Affairs:	
Community Services Block Grant	\$20,500,000
Continuum of Care Program	4,000,000
Emergency Solutions Grants Program	4,000,000
Family Self Sufficiency Program Coordinator.....	350,000
Lead-Based Paint Hazard Control.....	4,800,000
Low Income Home Energy Assistance Program	140,000,000
Mainstream 5	1,000,000
Moderate Rehabilitation Housing Assistance	9,500,000
National Affordable Housing - HOME Investment Partnerships.....	6,000,000
National Housing Trust Fund.....	8,500,000
Section 8 Housing Voucher Program	285,000,000
Small Cities Block Grant Program.....	8,023,000
Weatherization Assistance Program.....	<u>7,000,000</u>
Subtotal, Department of Community Affairs.....	<u>\$498,673,000</u>
Department of Corrections:	
Anti-Heroin Task Force	\$3,000,000
Body Worn Cameras.....	250,000
Comprehensive Opioid, Stimulant and Substance Abuse Program	1,500,000
Defense Tactical Training	750,000
Diversity Training	250,000
Father/Child Visitation Program	250,000
Health, Safety and Wellness	3,000,000
Inmate Vocational Certifications	350,000
Innovative Reentry Initiatives	500,000
Offender Reentry	600,000
Prison Rape Elimination Grant	500,000
Promising Reentry.....	750,000
Special Investigations Division - Intelligence Technology.....	400,000
Special Operations Tactical Equipment	200,000
State Criminal Alien Assistance Program.....	4,500,000
Swift, Certain, and Fair Sanctions Program	2,050,000
Technology Enhancements	500,000

Various Federal Programs and Accruals	200,000
Subtotal, Department of Corrections	<u>\$19,550,000</u>
Department of Education:	
21st Century Schools	\$27,952,000
AIDS Prevention Education	120,000
Bilingual and Compensatory Education -	
Homeless Children and Youth	2,294,000
Head Start Collaboration	275,000
Improving America's Schools Act -	
Consolidated Administration	5,671,000
Individuals with Disabilities Education Act Basic State Grant	397,771,000
Individuals with Disabilities Education Act Preschool Grants	11,840,000
Language Acquisition Discretionary Administration	20,679,000
Migrant Education - Administration/Discretionary	2,544,000
State Assessments	8,600,000
Student Support & Academic Enrichment State Grants	27,543,000
Supporting Effective Instruction State Grants	46,451,000
Title I - Grants to Local Educational Agencies	373,625,000
Title I - Part D, Neglected and Delinquent	1,929,000
Various Federal Programs and Accruals	2,896,000
Vocational Education - Basic Grants – Administration	<u>27,000,000</u>
Subtotal, Department of Education	<u>\$957,190,000</u>
Department of Environmental Protection:	
Air Pollution Maintenance Program	\$10,500,000
Artificial Reef Enhancement	1,800,000
Artificial Reef Program - PSE&G/NJPDES Permit Fees	985,000
Atlantic Brant Migration Ecology Study	480,000
Atlantic Coastal Fisheries	2,150,000
Beach Monitoring and Notification	700,000
BioWatch Monitoring	700,000
Boat Access (Fish and Wildlife)	1,000,000
Bobcat Hair Snare Study	480,000
Body-Worn Cameras	250,000
Bog Turtle Project	150,000
Brownfields	1,000,000
Clean Diesel Retrofit	500,000
Clean Vessels	1,000,000
Clean Water State Revolving Fund	70,000,000
Coastal Zone Management - Special Merit	500,000
Coastal Zone Management Implementation	4,465,000
Community Assistance Program	600,000
Connecting Habitat Across New Jersey (CHANJ) Assessments	200,000
Consolidated Forest Management	500,000

Cooperative Technical Partnership	3,000,000
DOT Reconstruct Ferry Slips Liberty State Park.....	6,000,000
Development Compensatory Mitigation Technical Manual and NJ Floristic Quality	187,000
Development of Coastal Ecological Restoration.....	300,000
Diesel Emissions Reduction Act - Marine Vessel Emission Reduction	650,000
Drinking Water State Revolving Fund.....	28,200,000
Endangered Species	355,000
Endangered and Nongame Species Program State Wildlife Grants.....	1,070,000
FEMA Port Security Grant Liberty State Park.....	1,100,000
Fish and Wildlife Action Plan.....	135,000
Fish and Wildlife Health	380,000
Forest Legacy.....	4,245,000
Forest Resource Management - Cooperative Forest Fire Control	1,500,000
Hazardous Waste - Resource Conservation Recovery Act	4,768,000
High Hazard Dams Grants/Loans	500,000
Historic Preservation Survey and Planning.....	3,000,000
Hunters' and Anglers' License Fund	22,535,000
Land and Water Conservation Fund - City of Trenton Soccer and Fitness Development	1,000,000
Land and Water Conservation Fund.....	5,000,000
Land and Water Conservation Fund - Camden Whitman Park Improvements.....	1,000,000
Landscape Restoration	320,000
Marine Fisheries Investigation and Management	6,574,000
Multimedia	700,000
NJ - FRAMES - Monmouth County	500,000
NJ - GIS Conservation Tools and Technical Guidance.....	3,500,000
NJ Outdoor Heritage Program	1,400,000
National Coastal Wetlands Conservation.....	3,500,000
National Dam Safety Program (FEMA).....	120,000
National Estuary Program - Coastal Watershed Grant Program	220,000
National Fish and Wildlife Foundation Delaware River Program	200,000
National Geologic Mapping Program	674,000
National Recreational Trails	1,900,000
New Jersey Atlantic and Shortnose Sturgeon	365,000
New Jersey's Landscape Project	990,000
Nonpoint Source Implementation (319H).....	3,830,000
Particulate Monitoring Grant	1,000,000
Pesticide Technology	500,000
Preliminary Assessments/Site Inspections	1,000,000
Radon Program	500,000

Readiness & Environmental Protection Integration Infrastructure	
Resilience & Natural Resource Enhancement	10,000,000
Recovery Land Acquisition.....	2,500,000
Remedial Planning Support Agency Assistance	1,000,000
Species of Greater Conservation Need - Mammal Research and Management	
Statewide Habitat Restoration and Enhancement.....	700,000
Superfund Grants	5,030,000
Underground Storage Tank Program Standard Compliance	
Inspections	1,250,000
Underground Storage Tanks.....	6,000,000
Various Federal Programs and Accruals	1,810,000
Water Infrastructure Improvements for the Nation	800,000
Water Monitoring and Planning	1,000,000
Water Pollution Control Program	4,787,000
Wildfire Risk Reduction.....	500,000
Wildlife Management Area Conservation Program	2,000,000
Wildlife and Sport Fish Restoration Outreach	390,000
Wildlife and Sports Fish Restoration Partnership Exhibit Development.....	
	<u>600,000</u>
Subtotal, Department of Environmental Protection	<u>\$249,385,000</u>
Department of Health:	
AIDS Drug Distribution Program	\$2,000,000
Abstinence Education - Family Health Services (FHS)	1,700,000
Addressing the Opioid Crisis Statewide.....	1,310,000
Asthma Surveillance and Coalition Building	769,000
Bioterrorism Hospital Emergency Preparedness	14,786,000
Birth Defects Surveillance Program	508,000
Breast and Cervical Cancer Early Detection Program	3,400,000
Breastfeeding Peer Counseling	1,994,000
CARES Act CFDA & Survey Reporting on the CMS-434.....	1,419,000
Chronic Disease Prevention and Health Promotion	3,400,000
Clinical Laboratory Improvement Amendments Program	666,000
Comprehensive AIDS Resources Grant	46,311,000
Comprehensive Cancer Supplemental.....	100,000
Conformance with the Manufactured Food Regulatory Program	
Standards	340,000
Coordinated Integrated Initiative.....	2,255,000
Core Injury Prevention and Control Program	300,000
Early Hearing Detection and Intervention (EHDI) Tracking, Research	
	250,000
Early Intervention for Infants and Toddlers with Disabilities (Part C)	
	13,000,000

Electronic Patient Care.....	350,000
Emergency Medical Services for Children (EMSC) Partnership Grants ..	200,000
Emergency Preparedness for Bioterrorism	29,581,000
Enhanced HIV/AIDS Surveillance – Perinatal	213,000
Enhancing & Making Programs & Outcomes	
Work to End Rape	96,000
Epidemiology and Laboratory Capacity Vaccine Preventable Disease	100,000
Federal Lead Abatement Program.....	440,000
Food Inspection.....	889,000
Fundamental & Expanded Occupational Health	985,000
HIV/AIDS Events without Care in New Jersey	373,000
HIV/AIDS Prevention and Education Grant.....	17,600,000
HIV/AIDS Surveillance Grant	3,318,000
Heart Disease and Stroke Prevention	450,000
Housing Opportunities for Incarcerated Persons with AIDS	1,958,000
Housing Opportunities for Persons with AIDS	1,764,000
Immunization Project.....	9,909,000
Improving Mental Health for Older African Americans	240,000
Lab Biomonitoring Program - Impact of Biohazards on New Jersey Citizens.....	1,000,000
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 Innovation Grant.....	1,560,000
Maternal, Infant and Early Childhood Home Visiting Program	11,012,000
Medicare/Medicaid Inspections of Nursing Facilities.....	14,076,000
Morbidity and Risk Behavior Surveillance	1,071,000
NJ Food Testing Program - Food Safety and Defense	945,000
National Cancer Prevention and Control.....	6,889,000
National HIV/AIDS Behavioral Surveillance	512,000
National Program of Cancer Registries.....	1,400,000
New Jersey Cancer Education & Early Detection (NJ CEED)	197,000
New Jersey Childhood Lead	672,000
New Jersey Personal Responsibility Education Program.....	1,582,000
New Jersey Plan for Private Well Programs	200,000
New Jersey State Maternal Health Innovation Program	2,572,000
New Jersey's Reducing Health Disparities Initiative	160,000
Nurse Aide Certification Program	1,000,000
Oral Health Grant.....	500,000
Overdose Data – Action	7,486,000
Pandemic Influenza Healthcare Preparedness.....	1,935,000
Partnership Ending HIV in Essex & Hudson	3,700,000
Pediatric AIDS Health Care Demonstration Project	2,350,000

Pediatric Mental Health Care	445,000
Pregnancy Risk Assessment Monitoring System	750,000
Preventative Health and Health Services Block Grant	5,683,000
Prevention & Public Health Fund - Coordinated Integrated Initiative ...	1,187,000
Prevention & Public Health Fund - Immunization and Vaccines for Children	9,600,000
Prevention and Management of Diabetes, Heart Disease and Stroke.....	4,215,000
Public Health Crisis – Opioids	4,524,000
Public Health Crisis Response	5,470,000
Public Health Crisis Response to COVID.....	5,470,000
Public Health Laboratory Biomonitoring Planning.....	2,156,000
Rape Prevention and Education Program.....	2,115,000
Ryan White Part B - Emergency Relief	1,300,000
Ryan White Part B – Supplemental.....	1,500,000
Senior Farmers’ Market Nutrition Program	2,000,000
Supplemental Food Program - Women, Infants, and Children (WIC).....	151,608,000
Surveillance, Epidemiology and End Results (SEER)	1,319,000
Tobacco Age of Sale Enforcement (TASE)	2,357,000
Tuberculosis Control Program	2,712,000
Various Federal Programs and Accruals	29,369,000
Venereal Disease Project.....	3,882,000
Viral Hepatitis Surveillance	450,000
Vital Statistics Component.....	1,498,000
West Nile Virus – Laboratory	200,000
West Nile Virus - Public Health.....	1,942,000
Wiseman Breast and Cervical Cancer Early Detection	600,000
Women, Infants, and Children (WIC) Farmers’ Market Nutrition Program	2,600,000
Subtotal, Department of Health.....	<u>\$481,885,000</u>
Department of Human Services:	
Block Grant Mental Health Services.....	\$19,363,000
Child Care Block Grant.....	203,760,000
Child Support Enforcement Program	181,510,000
Connecting Kids to Coverage Outreach.....	375,000
Developmental Disabilities Council.....	1,664,000
Electronic Health Records Provider Incentive Payments.....	20,000,000
Grants to Prevent Prescription Drug/Opioid Overdose Deaths	1,000,000
Health Information Technology (HIT).....	16,415,000
Medication Assisted Drug and Opioid	950,000
National Family Caregiver Program	5,200,000
National Suicide Prevention Grant.....	5,000,000
New Jersey Mental Health Awareness Training	125,000

New Jersey Money Follows the Person	12,752,000
New Jersey State Opioid Response	66,001,000
Older Americans Act - Title III	34,134,000
Program Integration of Primary and Behavioral Health Care	2,000,000
Projects for Assistance in Transition from Homelessness (PATH)	2,138,000
Refugee Resettlement Program	2,600,000
Social Services Administration	41,310,000
Strategic Prevention Framework	2,260,000
Substance Abuse Block Grant	49,261,000
Supplemental Nutrition Assistance Program	213,920,000
Supplemental Nutrition Assistance Program – Education	9,900,000
Supplemental Nutrition Assistance Program - Fraud Grant	1,000,000
Temporary Assistance for Needy Families Block Grant	368,889,000
Title XIX Child Residential	130,480,000
Title XIX Community Care Program	939,701,000
Title XIX ICF/IDD	240,429,000
Title XIX Medical Assistance	11,191,655,000
Title XXI Children's Health Insurance Program	567,833,000
United State Department of Agriculture Older Americans	4,350,000
Various Federal Programs and Accruals	6,531,000
Vocational Rehabilitation Act, Section 120	<u>13,933,000</u>
Subtotal, Department of Human Services	<u>\$14,356,439,000</u>
Department of Labor and Workforce Development:	
Assistive Technology	\$600,000
Current Employment Statistics	2,417,000
Disability Determination Services	77,106,000
Disabled Veterans' Outreach Program	3,392,000
Employment Services	26,911,000
Employment Services Grants - Alien Labor Certification	812,000
Independent Living	600,000
Local Veterans' Employment Representatives	1,633,000
National Council on Aging - Senior Community Services	
Employment Project	4,048,000
Occupational Safety Health Act - On-Site Consultation	2,703,000
One Stop Labor Market Information	1,020,000
Public Employees Occupational Safety and Health Act	3,898,000
Redesigned Occupational Safety and Health (ROSH)	250,000
Reemployment Eligibility Assessments - State Administration	4,600,000
Rehabilitation of Supplemental Security Income Beneficiaries	5,000,000
Supported Employment	975,000
Trade Adjustment Assistance Project	8,313,000
Unemployment Insurance	204,257,000
Various Federal Programs and Accruals	1,803,000
Vocational Rehabilitation Act of 1973	55,045,000

Work Opportunity Tax Credit	762,000
Workforce Investment Act	117,392,000
Workforce Investment Act - Adult and Continuing Education	<u>19,269,000</u>
Subtotal, Department of Labor and Workforce	
Development	<u>\$542,806,000</u>
Department of Law and Public Safety:	
Anti-Methamphetamine	\$500,000
Body Cameras	2,000,000
Community Oriented Policing (COPS)	9,533,000
Community Policing Development	500,000
Emergency Management Performance Grant - Non Terrorism	9,000,000
Encouraging Innovation	500,000
Enhancement of Data Analysis Center	50,000
Equal Employment Opportunity Commission	300,000
Fatality Analysis Reporting System (FARS)	350,000
Federal Nonprofit Security Grant Program – State	2,391,000
Flood Mitigation Assistance	18,000,000
Forensic DNA Laboratory	2,300,000
Hazardous Materials Transportation	1,350,000
Highway Traffic Safety	41,920,000
Homeland Security Grant Program	7,692,000
Intellectual Property	450,000
Internet Crimes Against Children	1,900,000
Justice Assistance Grant (JAG)	4,000,000
Juvenile Justice Delinquency Prevention	1,013,000
Medicaid Fraud Unit	3,921,000
National Crime Statistics Exchange	2,750,000
National Criminal History Program - Office of the Attorney General	594,000
Non-Motorized Safety	2,200,000
Opioids	10,346,000
Paul Coverdell National Forensic Science Improvement	
(Competitive)	500,000
Paul Coverdell National Forensic Science Improvement	
(Formula)	600,000
Port Security	3,000,000
Postconviction Testing of DNA Evidence	500,000
Pre-Disaster Mitigation Grant (Competitive)	10,000,000
Prescription Drug Monitoring Program	2,000,000
Preventing Wrongful Convictions	250,000
Prosecuting Cold Cases Using DNA	500,000
Recreational Boating Safety	4,300,000
Residential Treatment for Substance Abuse	454,000
STOP School Violence Prevention Program	550,000

Sex Offender Registration and Notification Act (SORNA)	725,000
Sexual Assault Kit Initiative	915,000
Targeted Violence and Terrorism Prevention	750,000
Training for Juvenile Prosecution	225,000
UASI Nonprofit Security Grant Program (NSGP).....	7,202,000
Urban Area Security Initiative (UASI)	19,050,000
Urban Search and Rescue	13,500,000
Various Federal Programs and Accruals	4,557,000
Victim Assistance Grants.....	33,320,000
Victim Centered Law Enforcement Training.....	750,000
Victim Compensation Award.....	2,900,000
Victims of Crime Act - Building State Technology	344,000
Victims of Crime Act - Training Discretionary	1,000,000
Violence Against Women Act - Criminal Justice	<u>3,710,000</u>
Subtotal, Department of Law and Public Safety	<u>\$235,162,000</u>
Department of Military and Veterans' Affairs:	
Antiterrorism Program Manager	\$205,000
Armory Renovations and Improvements	7,763,000
Army Facilities Service Contracts	5,984,000
Army National Guard Electronic Security System	482,000
Army National Guard Statewide Security Agreement	998,000
Army National Guard Sustainable Range Program	80,000
Army Training and Technology Lab.....	424,000
Atlantic City Air Base Environmental	135,000
Atlantic City Air Base Operations and Maintenance	208,000
Atlantic City Air Base Service Contracts.....	2,141,000
Atlantic City Air Base Sustainment, Restoration and Modernization....	1,671,000
Brigadier General Doyle Memorial Cemetery Building Project	5,000,000
Dining Facility Operations.....	350,000
Facilities Support Contract.....	23,100,000
Fairmount and Arlington Cemetery Upkeep.....	14,010,000
Federal Distance Learning Program.....	449,000
Firefighter/Crash Rescue Service Cooperative Funding Agreement	2,725,000
Hazardous Waste Environmental Protection Program	2,953,000
Lakehurst Readiness Center	15,000,000
McGuire Air Force Base Operations and Maintenance	342,000
McGuire Air Force Base Service Contracts	1,833,000
Medicare Part A Receipts for Resident Care and Operational Costs ...	13,199,000
Menlo HVAC Renovation	1,897,000
National Guard Communications Agreement	100,000
New Jersey National Guard ChalleNGe Youth Program	4,613,000
Sea Girt Energy Grid Upgrade	13,200,000
Training Site Facilities Maintenance Agreements	141,000
Training and Equipment - Pool Sites	839,000

Various Federal Programs and Accruals	6,419,000
Veteran Home Transfer Switches.....	1,200,000
Veterans' Education Monitoring.....	672,000
Veterans' Haven North HVAC/Roof Replacement.....	3,000,000
Veterans' Haven South Boiler.....	2,888,000
Warren Grove/Coyle Field	60,000
Subtotal, Department of Military and Veterans' Affairs.....	<u>\$134,081,000</u>
Department of State:	
Americorps Grants	\$8,035,000
Foster Grandparent Program	1,200,000
Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP).....	5,000,000
John R. Justice Grant Program	48,000
National Endowment for the Arts Partnership	976,000
National Health Service Corps - Student Loan Repayment Program.....	255,000
State Trade and Export Promotion Pilot Grant Program.....	<u>1,250,000</u>
Subtotal, Department of State	<u>\$16,764,000</u>
Department of Transportation:	
Airport Fund.....	\$2,000,000
Boating Infrastructure Program (New Jersey Maritime Program)	1,600,000
Commercial Drivers' License Program.....	1,100,000
Development and Implementation Grant - Federal Transit Administration	1,527,000
Motor Carrier Safety Assistance Program.....	<u>10,670,000</u>
Subtotal, Department of Transportation.....	<u>\$16,897,000</u>
Department of the Treasury:	
Financing Advanced Microgrids.....	\$300,000
Pipeline Safety	800,000
State Energy Conservation Program	1,474,000
Underserved Communities Electric Vehicle Affordability Program.....	<u>100,000</u>
Subtotal, Department of the Treasury	<u>\$2,674,000</u>
Judicial Branch	
The Judiciary:	
Various Federal Programs and Accruals	<u>\$1,325,000</u>
Subtotal, The Judiciary	<u>\$1,325,000</u>
Special Transportation Fund	
Department of Transportation:	
Transportation Trust Fund - Federal Highway Administration.....	\$1,302,403,882
Transportation Trust Fund - Federal Transit Administration	<u>664,020,200</u>
Subtotal, Special Transportation Fund.....	<u>\$1,966,424,082</u>
Total, Federal Revenue	<u>\$21,022,180,082</u>

Grand Total Resources, All Funds..... \$69,953,899,082

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, 2022. 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, 2022 with the Director of the Division of Budget and Accounting or held by pre-encumbrances on file as of June 30, 2022 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, 2022 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, 2021 are available for payments applicable to fiscal year 2021 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, 2021 together with an explanation of their status. On or before December 1, 2021, 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, 2021, depicting the financial condition of the State and the results of operation for the fiscal year ending June 30, 2021.

01 LEGISLATURE

70 Government Direction, Management, and Control

71 Legislative Activities

0001 Senate

DIRECT STATE SERVICES

01-0001 Senate..... \$16,690,000

Total Direct State Services Appropriation, Senate..... \$16,690,000

Direct State Services:

Personal Services:

Senators (40).....(\$1,980,000)

Salaries and Wages(6,661,000)

Members' Staff Services	(7,339,000)
Materials and Supplies	(133,000)
Services Other Than Personal	(480,000)
Maintenance and Fixed Charges	(71,000)
Additions, Improvements and Equipment	(26,000)
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>\$23,208,000</u>
Total Direct State Services Appropriation, General Assembly ...	<u>\$23,208,000</u>
Direct State Services:	
Personal Services:	
Assemblypersons (80)	(\$3,937,000)
Salaries and Wages	(6,687,000)
Members' Staff Services	(11,815,000)
Materials and Supplies	(107,000)
Services Other Than Personal	(569,000)
Maintenance and Fixed Charges	(89,000)
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>\$43,514,000</u>
Total Direct State Services Appropriation, Office of Legislative Services	<u>\$43,514,000</u>
Direct State Services:	
Personal Services:	
Salaries and Wages	(\$28,389,000)
Materials and Supplies	(1,182,000)
Services Other Than Personal	(2,495,000)
Maintenance and Fixed Charges	(3,141,000)
Special Purpose:	
03 State House Express Civics Education Program	(30,000)
03 Affirmative Action and Equal Employment Opportunity	(29,000)
03 Continuation and Expansion of Data Processing Systems	(6,726,000)
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(1,353,000)

Such amounts 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 amounts 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 amounts 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.

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	\$493,000
09-0014 Joint Committee on Public Schools.....	335,000
09-0018 State Commission of Investigation.....	4,679,000
09-0040 Apportionment Commission	2,000,000
09-0053 New Jersey Law Revision Commission	321,000
09-0056 New Jersey Redistricting Commission.....	1,500,000
09-0058 State Capitol Joint Management Commission.....	<u>11,363,000</u>
Total Direct State Services Appropriation, Legislative Commissions and Committees	<u>\$20,691,000</u>

Direct State Services:

Intergovernmental Relations Commission:

- 09 The Council of State Governments.....(\$145,000)
- 09 National Conference of State Legislatures.....(277,000)
- 09 Eastern Trade Council - The Council of State
Governments(31,000)
- 09 National Foundation for Women Legislators.....(40,000)

Joint Committee on Public Schools:

- 09 Expenses of Commission.....(335,000)

State Commission of Investigation:

- 09 Expenses of Commission.....(4,679,000)

Apportionment Commission:

- 09 Expenses of Commission.....(2,000,000)

New Jersey Law Revision Commission:	
09 Expenses of Commission	(321,000)
New Jersey Redistricting Commission:	
09 Expenses of Commission	(1,500,000)
State Capitol Joint Management Commission:	
09 Expenses of Commission	(11,363,000)

The unexpended balances at the end of the preceding fiscal year in these accounts are appropriated.

Such amounts as are required for the establishment and operation of the Apportionment Commission and the legislative New Jersey Redistricting Commission are appropriated, subject to the approval of the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Officer.

Receipts from the rental of the Cafeteria and the Welcome Center and any other facility under the jurisdiction of the State Capitol Joint Management Commission are appropriated to defray custodial, security, maintenance and other related costs of these facilities.

Legislature, Total State Appropriation	<u>\$104,103,000</u>
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Summary of Legislature Appropriations
(For Display Purposes Only)

<i>Appropriations by Category:</i>	
Direct State Services	\$104,103,000
<i>Appropriations by Fund:</i>	
General Fund	\$104,103,000

06 OFFICE OF THE CHIEF EXECUTIVE
70 Government Direction, Management, and Control
76 Management and Administration
DIRECT STATE SERVICES

01-0300 Chief Executive's Office	<u>\$9,245,000</u>
Total Direct State Services Appropriation, Management and Administration	<u>\$9,245,000</u>

Direct State Services:	
Personal Services:	
Salaries and Wages	(\$8,240,000)
Materials and Supplies	(131,000)
Services Other Than Personal	(352,000)
Maintenance and Fixed Charges	(42,000)
Special Purpose:	
01 National Governors' Association	(185,000)
01 Education Commission of the States	(125,000)

01	National Conference of Commissioners	
	On Uniform State Laws.....	(65,000)
01	Brian Stack Intern Program	(10,000)
01	Allowance to the Governor - Funds Not	
	Otherwise Appropriated for Official	
	Receptions, Official Residence, and	
	Other Expenses.....	(95,000)

The unexpended balance at the end of the preceding fiscal year in this account is appropriated.

Office of the Chief Executive, Total State Appropriation..... \$9,245,000

Summary of Office of the Chief Executive Appropriations
(For Display Purposes Only)

Appropriations by Category:

Direct State Services \$9,245,000

Appropriations by Fund:

General Fund..... \$9,245,000

10 DEPARTMENT OF AGRICULTURE

40 Community Development and Environmental Management

49 Agricultural Resources, Planning, and Regulation

DIRECT STATE SERVICES

01-3310	Animal Disease Control	\$1,644,000
02-3320	Plant Pest and Disease Control.....	2,551,000
03-3330	Agricultural and Natural Resources	532,000
05-3350	Food and Nutrition Services.....	343,000
06-3360	Marketing and Development Services.....	804,000
08-3380	Farmland Preservation.....	83,000
99-3370	Administration and Support Services	<u>1,827,000</u>
	Total Direct State Services Appropriation, Agricultural	
	Resources, Planning, and Regulation	<u>\$7,784,000</u>

Direct State Services:

Personal Services:

	Salaries and Wages	(\$5,583,000)
	Materials and Supplies.....	(88,000)
	Services Other Than Personal.....	(588,000)
	Maintenance and Fixed Charges.....	(160,000)

Special Purpose:

02	New Jersey Hemp Farming Fund.....	(275,000)
02	Spotted Lanternfly	(515,000)
05	The Emergency Food Assistance Program	(343,000)

06	Promotion/Market Development.....	(49,000)
06	Jersey Fresh Program	(100,000)
08	Agricultural Right to Farm Program	(83,000)

Receipts from laboratory test fees are appropriated to support the Animal Health Diagnostic Laboratory program. The unexpended balance at the end of the preceding fiscal year in the Animal Health Diagnostic 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 New Jersey Hemp Farming Fund established pursuant to section 8 of P.L.2019, c.238 (C.4:28-13) are appropriated to offset the cost of administering the program. The unexpended balance at the end of the preceding fiscal year in the New Jersey Hemp Farming Fund is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

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 conducting fruit, vegetable, fish, red meat, and poultry inspections.

An amount equal to receipts generated at the rate of \$0.875 per gallon of wine, vermouth, and sparkling wine from the alcoholic beverage excise tax 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 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, 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>\$27,518,000</u>
Total Grants-in-Aid Appropriation, Agricultural Resources, Planning, and Regulation.....	<u>\$27,518,000</u>

Grants-in-Aid:

05 Hunters Helping the Hungry.....	(\$100,000)
05 Hunger Initiative/Food Assistance Program.....	(6,818,000)
05 SNAP and School Meals Dual Enrollment Pilot Program.....	(600,000)
05 Food and Hunger Programs	(20,000,000)

Notwithstanding the provisions of any law or regulation to the contrary, an amount not to exceed \$250,000 may 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, 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, \$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 of the current fiscal year. 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 amount hereinabove appropriated for Food and Hunger Programs shall be directly distributed as follows: 53% to the Community Food Bank of New Jersey; 15% to the Food Bank of South Jersey; 15% to Fulfill Monmouth & Ocean; 11% to Mercer Street Friends Food Bank; 3% to Norwescap; and 3% to Southern Regional Food Distribution Center.

The amount appropriated for SNAP and School Meals Dual Enrollment Pilot Program shall be administered to provide financial assistance to school districts for the purpose of aiding students who are enrolled in federal free and reduced meal programs to enroll in the Supplemental Nutrition Assistance Program (SNAP).

STATE AID

05-3350 Food and Nutrition Services	\$18,213,000
<i>(From Property Tax Relief Fund.....</i>	<i>\$18,213,000)</i>
08-3380 Farmland Preservation.....	<u>3,000</u>
<i>(From Property Tax Relief Fund.....</i>	<i>3,000)</i>
Total State Aid Appropriation, Agricultural Resources, Planning, and Regulation.....	<u>\$18,216,000</u>
<i>(From Property Tax Relief Fund.....</i>	<i>\$18,216,000)</i>

State Aid:

05 School Lunch Aid - State Aid Grants (PTRF)	(\$8,613,000)
05 School Breakfast and Lunch State Aid (P.L.2019, c.445) (PTRF).....	(4,500,000)
05 State Supplement to Federal Summer Food Service Program (PTRF).....	(100,000)
05 Breakfast After the Bell (PTRF)	(5,000,000)
08 Payments in Lieu of Taxes (PTRF).....	(3,000)

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 is appropriated from the School Lunch Aid - State Aid Grants 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 amount necessary to reimburse State and local government entities for participating in the School Lunch Program and School Breakfast Program is appropriated from the School Breakfast and Lunch State Aid (P.L.2019, c.445) account, 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 School Breakfast and Lunch State Aid (P.L.2019, c.445) account is appropriated for the same purpose. The amount hereinabove appropriated for the State Supplement to Federal Summer Food Service Program is appropriated to provide a State subsidy to all program providers participating in the Federal Summer Food Service Program, as determined by the Secretary of Agriculture, 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 State Supplement to Federal Summer Food Service Program account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Department of Agriculture, Total State Appropriation \$53,518,000

Summary of Department of Agriculture Appropriations

(For Display Purposes Only)

Appropriations by Category:

Direct State Services	\$7,784,000
Grants-In-Aid	27,518,000
State Aid	18,216,000

Appropriations by Fund:

General Fund	\$35,302,000
Property Tax Relief Fund	18,216,000

14 DEPARTMENT OF BANKING AND INSURANCE

50 Economic Planning, Development, and Security

52 Economic Regulation

DIRECT STATE SERVICES

01-3110 Consumer Protection Services and Solvency Regulation	\$21,434,000
02-3120 Actuarial Services	30,350,000
03-3130 Regulation of the Real Estate Industry	3,680,000
04-3110 Public Affairs, Legislative and Regulatory Services	2,322,000
06-3110 Bureau of Fraud Deterrence	23,396,000
07-3170 Supervision and Examination of Financial Institutions	4,159,000
99-3150 Administration and Support Services	<u>4,172,000</u>

Total Direct State Services Appropriation, Economic

Regulation \$89,513,000

Direct State Services:

Personal Services:

Salaries and Wages	(\$43,220,000)
Materials and Supplies	(384,000)
Services Other Than Personal	(7,059,000)
Maintenance and Fixed Charges	(487,000)

Special Purpose:

01	Rate Counsel – Insurance.....	(149,000)
02	Actuarial Services	(318,000)
02	Health Insurance Affordability Fund	(25,000,000)
06	Insurance Fraud Prosecution Services.....	(12,896,000)

In addition to the amount hereinabove appropriated for the Division of Actuarial Services, there are appropriated such additional amounts as may be required for deposit into the New Jersey Health Insurance Premium Security Fund for the purpose of reimbursing insurance providers in accordance with the provisions of P.L.2018, c.24, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Public Adjusters' Licensing account, together with receipts 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 amounts 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 amounts, 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. In addition to the amount hereinabove appropriated for the Division of Actuarial Services, the amount necessary to pay for the audit of reinsurance claims or any other administrative costs incurred by the Department of Banking and Insurance to meet the statutory requirements of P.L.2018, c.24 is appropriated from the New Jersey Health Insurance Premium Security Fund, subject to the approval of the Director of the Division of Budget and Accounting.

Department of Banking and Insurance,
Total State Appropriation..... \$89,513,000

Summary of Department of Banking and Insurance Appropriations
(For Display Purposes Only)

Appropriations by Category:

Direct State Services \$89,513,000

Appropriations by Fund:

General Fund..... \$89,513,000

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 \$247,805,000
02-1620 Children's System of Care 1,919,000
03-1630 Family and Community Partnerships 1,889,000
04-1600 Education Services 14,943,000
05-1600 Child Welfare Training Academy Services and Operations..... 5,840,000
06-1600 Safety and Security Services 3,775,000
99-1600 Administration and Support Services..... 46,674,000

Total Direct State Services Appropriations, Social Services

Programs \$322,845,000

Direct State Services:

Personal Services:

Salaries and Wages (\$244,305,000)
Materials and Supplies..... (1,585,000)
Services Other Than Personal..... (6,910,000)
Maintenance and Fixed Charges..... (19,215,000)

Special Purpose:

01 Keeping Families Together..... (16,715,000)
01 Peer Recovery Support Services (4,370,000)

01	Child Collaborative Mental Health Care	
	Pilot Program.....	(5,000,000)
05	NJ Partnership for Public Child Welfare.....	(3,159,000)
06	Safety and Security Services.....	(3,775,000)
99	Information Technology	(1,524,000)
99	Safety and Permanency in the Courts	(15,045,000)
	Additions, Improvements and Equipment	(1,242,000)

Of the amounts hereinabove appropriated for Salaries and Wages for the Child Welfare Training Academy Services and Operations, such amounts 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	\$387,735,000
02-1620	Children's System of Care.....	474,801,000
03-1630	Family and Community Partnerships	<u>88,827,000</u>
	Total Grants-in-Aid Appropriation, Social Services Programs.	<u>\$951,363,000</u>

Grants-in-Aid:

01	Substance Use Disorder Services	(\$10,744,000)
01	Court Appointed Special Advocates	(2,500,000)
01	Child Advocacy Center - Multidisciplinary	
	Team Fund.....	(5,000,000)
01	Independent Living and Shelter Care.....	(17,172,000)
01	Out-of-Home Placements.....	(4,012,000)
01	Family Support Services	(71,838,000)
01	Child Abuse Prevention	(12,324,000)
01	Foster Care	(38,953,000)
01	Subsidized Adoption.....	(151,554,000)
01	Foster Care and Permanency Initiative	(7,092,000)
01	New Jersey Homeless Youth Act.....	(1,572,000)
01	Wynona M. Lipman Child Advocacy	
	Center, Essex County	(556,000)
01	Purchase of Social Services	(50,460,000)
01	Child Health Units	(13,458,000)

01	Audrey Hepburn Children's House	
	Regional Diagnostic Treatment Center	(500,000)
02	Care Management Organizations	(78,104,000)
02	Out-of-Home Treatment Services	(191,819,000)
02	Family Support Services	(35,595,000)
02	Mobile Response	(33,434,000)
02	Intensive In-Home Behavioral Assistance	(94,222,000)
02	Youth Incentive Program	(5,763,000)
02	Outpatient	(11,435,000)
02	Contracted Systems Administrator	(9,519,000)
02	State Children's Health Insurance Program –	
	Care Management Organizations	(2,625,000)
02	State Children's Health Insurance Program –	
	Out-of-Home Treatment Services	(5,101,000)
02	State Children's Health Insurance Program –	
	Mobile Response	(1,214,000)
02	State Children's Health Insurance Program –	
	In-Home Behavioral Assistance	(3,370,000)
02	Mental Health Association of Essex and	
	Morris, Inc. - Riskin Children's Center	(150,000)
02	Nurse Family Partnership	(950,000)
02	Healthy Families America	(750,000)
02	NJ Home Visiting Initiative	(750,000)
03	Early Childhood Services	(7,150,000)
03	School Linked Services Program	(26,564,000)
03	Family Support Services	(19,545,000)
03	Women's Services	(28,272,000)
03	Project S.A.R.A.H.	(200,000)
03	Sexual Violence Prevention and Intervention	
	Services	(5,396,000)
03	Latino Action Network Hispanic Women's	
	Resource Center	(1,000,000)
03	Garden State Equality	(250,000)
03	Jersey Battered Women's Services - Morris County ...	(100,000)
03	Essex County Family Justice Center	(250,000)
03	My Sister's Lighthouse – Domestic Violence	(100,000)

Of the amounts hereinabove appropriated for Child Advocacy Center - Multidisciplinary Team Fund, \$500,000 shall be allocated to the New Jersey Children's Alliance to assist in the implementation of P.L.2017, c.90 (C.9:6-8.107 et seq.) to provide support, guidance, and training to centers applying to the Department of Children and Families for grants in order to become certified as Child Advocacy Centers.

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, Subsidized Adoption, and Independent Living and Shelter Care are subject to the following condition: any change by the Department of Children and Families in the rates paid for these programs shall be approved by the Director of the Division of Budget and Accounting.

In order to permit flexibility in the handling of appropriations and ensure the timely processing of payments, amounts may be transferred among the following accounts within the Division of Child Protection and Permanency, Independent Living and Shelter Care, Out of Home Placements, Family Support Services, Foster Care, and Subsidized Adoption. All such transfers are 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 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 account, 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.

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 Division of Family Development in the Department of Human Services shall be transferred to the Division of Family Development in the Department of Human Services to fund the Post Adoption Child Care Program, subject to the approval of the Director of the Division of Budget and Accounting.

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 Independent Living and Shelter Care program, \$234,000 shall be used to support the housing needs of transition-age youth, 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.

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, Intensive In-Home Behavioral Assistance, Family Support Services, except those services provided pursuant to the "Family Support Act," P.L.1993, c.98 (C.30:6D-33 et seq.), and Mobile Response shall be expended for any individual served by 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 NJ FamilyCare. Individuals receiving services from appropriations covered by the exceptions above shall apply for NJ FamilyCare in a timely manner, as shall be defined by the Commissioner of Children and Families, after receiving services.

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 Division of Family Development in the Department of Human Services shall be transferred to the Division of Family Development in the Department of Human Services to fund the Strengthening Families Initiative Training Program, subject to the approval of the Director of the Division of Budget and Accounting.

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.

Notwithstanding the provisions of any law or regulation to the contrary, receipts from the increases in divorce filing fees enacted by section 41 of P.L.2003, c.117 (N.J.S.22A:2-12), 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.

Of the amount hereinabove appropriated for Women's Services, \$1,150,000 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 amount hereinabove appropriated for Women’s Services, the amounts allocated to the domestic violence agencies in the State and to the New Jersey Coalition to End Domestic Violence shall be no less than the amounts allocated for the 12-month accounting period ending June 30, 2021, plus an additional \$6,000,000 to strengthen and expand domestic violence services statewide, and the amount allocated to the 21 county-based sexual violence service organizations and the New Jersey Coalition Against Sexual Assault shall be no less than the amounts allocated for fiscal year 2019, plus an additional \$2,000,000 to these sexual violence service organizations, subject to the approval of 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.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amount hereinabove appropriated for Women’s Services, an amount not to exceed \$6,000,000 is appropriated to provide a grant to the NJ Coalition Against Sexual Assault to offset potential losses in federal funding and to strengthen and expand sexual violence prevention and response 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, in addition to the amount hereinabove appropriated for Women’s Services, an amount not to exceed \$2,550,000 is appropriated to the Displaced Homemaker program 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, from the amounts hereinabove appropriated to the Department of Children and Families, the Commissioner of Children and Families, in collaboration with the Commissioner of Education and the Commissioner of Human Services, shall establish a school-based mental health and substance use service program in one or more school districts that provides integrated behavioral health services to Medicaid eligible students; provided, however, that in order to ensure continuity of federal funding, prior to the establishment of such program, the Commissioner shall seek and obtain confirmation, under the DHS DMAS 1115 waiver authority, that the program will comply with all applicable federal Medicaid and other requirements.

Department of Children and Families,	
Total State Appropriation.....	<u>\$1,274,208,000</u>

The unexpended balances at the end of the preceding fiscal year of the funds appropriated to effectuate the rate rebalancing effective January 1, 2021 through June 30, 2021 in Out-of-Home Treatment Services, Care Management Organizations, Youth Incentive Program, Intensive In-Home Behavioral Assistance, Family Support Services (except those services provided pursuant to the "Family Support

Act," P.L.1993, c.98 (C.30:6D-33 et seq.)), and Mobile Response in the Children's System of Care program classification, are appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Summary of Department of Children and Families Appropriations

(For Display Purposes Only)

Appropriations by Category:

Direct State Services	\$322,845,000
Grants-in-Aid	951,363,000

Appropriations by Fund:

General Fund	\$1,274,208,000
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22 DEPARTMENT OF COMMUNITY AFFAIRS

40 Community Development and Environmental Management

41 Community Development Management

DIRECT STATE SERVICES

01-8010 Housing Code Enforcement	\$9,483,000
02-8020 Housing Services	7,989,000
06-8015 Uniform Construction Code	15,093,000
13-8027 Codes and Standards	498,000
18-8017 Uniform Fire Code	<u>8,354,000</u>

Total Direct State Services Appropriation, Community

Development Management	<u>\$41,417,000</u>
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Direct State Services:

Personal Services:

Salaries and Wages	(\$32,359,000)
Materials and Supplies	(86,000)
Services Other Than Personal	(562,000)
Maintenance and Fixed Charges	(102,000)

Special Purpose:

02 Office of Homelessness Prevention	(3,250,000)
02 Affordable Housing	(1,805,000)
02 Local Planning Services	(1,378,000)
02 Main Street New Jersey	(1,500,000)
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.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Main Street New Jersey shall be used to provide technical assistance and other tools to promote historic preservation and recovery of economic viability in localities that contain traditional historic business districts including, but not limited to, training, guidance, and seminars for volunteers and managers of local organizations, 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, the Division of Fire Safety may transfer within its own division among Direct State Services appropriations accounts and Grants-In-Aid appropriations accounts, 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.

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.

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 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.

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.

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.

GRANTS-IN-AID

01-8010 Housing Code Enforcement	\$919,000
02-8020 Housing Services	122,660,000
18-8017 Uniform Fire Code	<u>8,571,000</u>

Total Grants-in-Aid Appropriation, Community

Development Management.....	<u>\$132,150,000</u>
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Grants-in-Aid:

01 Cooperative Housing Inspection	(\$919,000)
02 NJ Community Capital Foreclosure Mitigation Program	(3,000,000)
02 Affordable Housing Programs	(57,000,000)
02 Single Family Home Lead Hazard Remediation Fund	(5,000,000)
02 Redevelopment Investment Fund - New Jersey Redevelopment Authority	(10,000,000)
02 Urban Site Acquisition Fund - New Jersey Redevelopment Authority	(10,000,000)
02 Newark Homeless Housing Program	(3,000,000)
02 HMFA Foreclosure Mediation Assistance Program Counseling	(1,000,000)
02 Shelter Assistance	(2,300,000)
02 Prevention of Homelessness	(4,360,000)
02 Hudson County Housing First Pilot Program	(1,000,000)
02 Camden Coalition of Health Care Providers Housing First Pilot Program.....	(500,000)
02 State Rental Assistance Program	(18,500,000)
02 Lead-Safe Home Renovation Pilot Program.....	(5,000,000)
02 State Rental Assistance Pilot for Expecting Mothers	(2,000,000)
18 Uniform Fire Code - Local Enforcement Agency Rebates	(8,425,000)
18 Uniform Fire Code - Continuing Education	(146,000)

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.

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.

The amounts hereinabove appropriated for Shelter Assistance, Prevention of Homelessness, and 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), 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, 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.

Upon determination by the Commissioner of Community Affairs that all eligible shelter assistance projects have received funding, 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.

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.).

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, 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, there is appropriated to the General Fund as State revenue such amounts as may be received from the New Jersey Housing and Mortgage Finance Agency. The amount hereinabove appropriated for the State Rental Assistance Program to provide rental assistance shall be payable first from the amount received from the New Jersey Housing and Mortgage Finance Agency.

Of the amount hereinabove appropriated for the Lead-Safe Home Renovation Pilot Program, such amounts as are necessary may be transferred to the Revolving Housing Development and Demonstration Grant Fund for the purpose of remediating lead in dwellings Statewide, and such amounts as are determined by the State Treasurer to be necessary may be transferred to the Division of Family Health Services in the Department of Health for purposes in accordance with N.J.A.C.8:51-1.1 et seq., subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for the 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).

An amount not to exceed \$400,000 is appropriated from the "New Jersey Affordable Housing Trust Fund" as determined by the Commissioner of Community Affairs as necessary to match, on a 50/50 basis, the federal share of the administrative costs of the USHUD Community Development Block Grant-Small Cities Program, subject to the approval of the Director of the Division of Budget and Accounting.

Such amounts as the Commissioner of Community Affairs determines are necessary are appropriated from the "New Jersey Affordable Housing Trust Fund," to be pledged as a match for the USHUD HOME Investment Partnership Program to ensure adherence to the federal matching requirements for affordable housing production, 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 from the "New Jersey Affordable Housing Trust Fund" an amount to be determined by the Commissioner of Community Affairs to be used to provide technical assistance grants to non-profit housing organizations and authorities for creating and supporting affordable housing and community development opportunities, 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 Commissioner of Community Affairs may determine that monies appropriated from the "New Jersey Affordable Housing Trust Fund" can 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; and subject to the approval of the Director of the Division of Budget and Accounting.

The amount appropriated for Affordable Housing Programs shall be allocated for the following purposes: (1) an amount not to exceed \$5,000,000, subject to the approval of the Director of the Division of Budget and Accounting, is appropriated to the Department of Community Affairs to support activities to increase the pro-

duction of affordable housing by streamlining the permitting and construction review processes at the State and municipal levels, including but not limited to technology upgrades to departmental systems and grants to local units for training and technology upgrades to enhance the efficiency of their permitting and review processes; (2) an amount not to exceed \$20,000,000, subject to the approval of the Director of the Division of Budget and Accounting, is appropriated to the New Jersey Housing and Mortgage Finance Agency (HMFA) for a Down Payment Assistance Program to assist in stabilizing neighborhoods through owner-occupancy and providing home ownership opportunities to households that would otherwise remain tenants; (3) an amount not to exceed \$10,000,000, subject to the approval of the Director of the Division of Budget and Accounting, is appropriated to the HMFA for a Risk Share Pilot Program to enhance the competitiveness of HMFA multifamily mortgage products by providing mortgage insurance; and (4) an amount not to exceed \$22,000,000, subject to the approval of the Director of the Division of Budget and Accounting, is appropriated to the HMFA to support the operations of a Multifamily Gap Financing Pool that provides necessary gap financing to make possible the construction of additional multifamily projects, a portion not to exceed \$10,000,000 of which may be used to address the urgent need for affordable workforce housing by providing subsidies for units accessible to families earning between 80% and 120% of Area Median Income, subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

02-8020 Housing Services.....	<u>\$5,000,000</u>
Total State Aid Appropriation, Community Development Management.....	<u>\$5,000,000</u>

State Aid:

02 Neighborhood Preservation (P.L.1975, c.248 and c.249)	(\$5,000,000)
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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.

50 Economic Planning, Development, and Security
55 Social Services Programs
DIRECT STATE SERVICES

05-8050 Community Resources	<u>\$250,000</u>
Total Direct State Services Appropriation, Social Services Programs	<u>\$250,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$76,000)
Services Other Than Personal.....	(24,000)

Special Purpose:

05 Addressing Racial Bias Initiative.....	(50,000)
05 Anti-Discrimination Training.....	(50,000)
05 Wealth Disparity Taskforce	(50,000)

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>\$90,019,000</u>
Total Grants-in-Aid Appropriation, Social Services Program	<u>\$90,019,000</u>

Grants-in-Aid:

05 Recreation for the Handicapped.....	(\$585,000)
05 YWCA Union County - Facility Construction.....	(25,000)
05 Hawthorne Supportive Housing, Inc.	(250,000)
05 New Jersey YMCA State Alliance.....	(1,000,000)
05 Community YMCA - Counseling and Social Services	(100,000)
05 Hoboken Community Center	(1,000,000)
05 Horizons at the Jersey Shore	(50,000)
05 Community Affairs and Resource Center	(50,000)
05 Baysshore Senior Center, Keansburg	(75,000)
05 Jewish Community Center of Middlesex County, Township of Edison - Center for Lifelong Living...	(250,000)
05 Bris Avrohom Center, Hillside – Security Improvements	(80,000)
05 First Star New Jersey	(561,000)
05 Bergen Family Center – Mental Health Services	(200,000)
05 Veterans of Foreign Wars Post 2290, Manville – Facility Repairs.....	(100,000)
05 Camden County Historical Society	(250,000)
05 Cooper's Ferry Partnership - Workforce Study	(500,000)
05 New Jersey Coastal Coalition, Inc. - New Jersey Resiliency Institute.....	(250,000)
05 Interfaith Neighbors, Asbury Park – Meals on Wheels.....	(25,000)
05 Monmouth County SPCA	(25,000)
05 Jewish Federation of Greater MetroWest - Community-Based Anti-Hate Initiative.....	(40,000)
05 NJSHARES - S.M.A.R.T. Program	(5,000,000)

05	NJ Community Development Corporation	
	Youth Center Project, Paterson	(2,250,000)
05	Newark Museum	(1,500,000)
05	City of Newark - Mayor's Brick City Peace	
	Collective	(3,000,000)
05	Big Brothers and Big Sisters State Association	(1,000,000)
05	Monmouth Ocean Foundation for Children School	(25,000)
05	International Youth Organization	(250,000)
05	Transition Professionals Re-Entry Services	(263,000)
05	Hudson County Reentry Pilot Program	(7,000,000)
05	Volunteer Income Tax Preparation Assistance	(250,000)
05	Woodbridge Acacia Youth Center Project	(1,000,000)
05	Seven Presidents Historic Chapel	(250,000)
05	Toms River Field of Dreams	(400,000)
05	Bright Side Manor, Teaneck	(700,000)
05	Mercer County Reentry Pilot Program	(1,000,000)
05	Thomas Alva Edison Memorial Tower and Museum ..	(150,000)
05	National Aviation Research and Technology Park	(750,000)
05	Re-entry Coalition of New Jersey	(1,000,000)
05	Grants to Community and Cultural Development	
	Organizations	(2,000,000)
05	Wildwood Boardwalk	(4,000,000)
05	Brick Senior Center	(400,000)
05	Wind of Spirit – ESL	(90,000)
05	Newark West Side Community Center	(4,000,000)
05	Community Food Bank of New Jersey and	
	Alliance of Boys and Girls Clubs Pilot	(300,000)
05	Union County - Clark Reservoir	(4,000,000)
05	Communities in Cooperation – Reentry Services	(100,000)
05	Woodbridge Cypress Center Park Expansion	(1,000,000)
05	Jerry Ust Recreation Complex Capital	
	Improvements	(1,000,000)
05	Rahway Recreational Improvements	(100,000)
05	Scotch Plains Recreational Improvements	(200,000)
05	Propagation House at Mapleton Preserve –	
	Kingston	(250,000)
05	Plainfield Recreational Improvements	(110,000)
05	Jump Start Youth Development - Paterson	(100,000)
05	Newark Alliance - N2020 Hire Goal Program	(750,000)
05	Newark Public Library - Newark City of Learning	
	Collaborative	(200,000)
05	Joseph's House, Camden	(300,000)
05	New Jersey Hall of Fame Foundation	(1,500,000)
05	Special Olympics	(405,000)

05	New Jersey Re-entry Corporation – Re-entry and Training Center	(5,700,000)
05	New Jersey Re-entry Corporation - One-Stop Offender Re-entry Services	(9,000,000)
05	Volunteers of America - Re-entry Services	(6,000,000)
05	First Tee Program - County of Essex	(4,000,000)
05	Youth Advocate Programs Inc.	(3,000,000)
05	Boys and Girls Clubs of New Jersey – At Risk Youth.....	(850,000)
05	Garden to Nurture Human Understanding, Teaneck.....	(85,000)
05	Hackensack Meadowlands Municipal Committee of Mayors	(125,000)
05	Jewish Family Service of Central NJ - Retired and Senior Volunteer Program for Union County.....	(50,000)
05	Bergen Volunteers - Mentoring Program.....	(200,000)
05	Irvington Township - Camp Irvington Repair and Redevelopment.....	(3,000,000)
05	Anti-violence Out-of-School Youth Summer Program - Newark, Trenton, Paterson, Atlantic City	(6,000,000)

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Volunteer Income Tax Preparation Assistance shall be used to provide matching grants to one or more non-profit entities that have received federal grants to support the provision of volunteer tax preparation services for low-income residents, pursuant to a competitive process and in accordance with grant agreements to be entered into by the selected non-profit entities with the Commissioner of Community Affairs, 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.

The amount hereinabove appropriated for New Jersey Re-entry Corporation - One-Stop Offender Re-entry Services shall be utilized to continue to provide One-Stop Re-entry services in Newark, Jersey City, Paterson, and Toms River and in the counties of Bergen, Union, Middlesex, Somerset, and Monmouth, which shall include medication-assisted treatment for relapse prevention.

The amount hereinabove appropriated for Volunteers of America - Re-entry Services shall be utilized to provide expanded re-entry services in the counties of Atlantic, Burlington, Camden, Cape May, Gloucester, Cumberland, Mercer, and Salem, which shall include medication-assisted treatment for relapse prevention.

Notwithstanding the provisions of P.L.2003, c.311 (C.52:27D-437.1 et al.), 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 Anti-violence Out-of-School Youth Summer Program – Newark, Trenton, Paterson, Atlantic City, an amount not less than \$1,500,000 shall be allocated to the City of Atlantic City.

STATE AID

05-8050 Community Resources	<u>\$14,210,000</u>
(From General Fund.....)	\$210,000)
(From Property Tax Relief Fund.....)	14,000,000)
Total State Aid Appropriation, Social Services Program.....	<u>\$14,210,000</u>
(From General Fund.....)	\$210,000)
(From Property Tax Relief Fund	14,000,000)

State Aid:

05 Repayment of Municipal Contribution to Mass Transit Facility (PTRF).....	(\$13,000,000)
05 Perth Amboy’s Open Space Acquisition and Improvements (PTRF).....	(1,000,000)
05 Plainfield Electric Vehicle Charging Stations.....	(210,000)

70 Government Direction, Management, and Control

75 State Subsidies and Financial Aid

DIRECT STATE SERVICES

04-8030 Local Government Services	<u>\$4,982,000</u>
Total Direct State Services Appropriation, State Subsidies and Financial Aid.....	<u>\$4,982,000</u>

Direct State Services:

Personal Services:

Local Finance Board Members	(\$84,000)
Salaries and Wages	(4,420,000)
Materials and Supplies.....	(39,000)
Services Other Than Personal.....	(224,000)
Maintenance and Fixed Charges.....	(15,000)
Special Purpose:	
04 Local Assistance Bureau.....	(200,000)

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>\$844,983,000</u>
<i>(From General Fund.....</i>	<i>\$2,509,000)</i>
<i>(From Property Tax Relief Fund.....</i>	<i>842,474,000)</i>
Total State Aid Appropriation, State Subsidies and	
Financial Aid.....	<u>\$844,983,000</u>
<i>(From General Fund.....</i>	<i>\$2,509,000)</i>
<i>(From Property Tax Relief Fund.....</i>	<i>842,474,000)</i>

State Aid:

04 Local Recreational Improvement Grants	
(PTRF).....	(\$11,000,000)
04 Community Capital Needs (PTRF)	(7,500,000)
04 Consolidated Municipal Property Tax Relief Aid	
(PTRF).....	(648,485,000)
04 County Prosecutors and Officials Salary	
Increase (P.L.2007, c.350).....	(2,509,000)
04 East Brunswick Community Arts Center	
Expansion (PTRF).....	(1,000,000)
04 Union County - Clark Reservoir	
Dredging and Pollution Remediation (PTRF)	(250,000)
04 Township of Hopewell (Mercer) -	
Woolsey Park Band Shell (PTRF).....	(500,000)
04 Belleville Township - Acquisition of Property	
(PTRF).....	(250,000)
04 Franklin Township (Somerset) -	
Little League Field Improvements (PTRF)	(300,000)
04 Chester Township Park Improvements (PTRF)	(250,000)
04 Camden County Improvement Authority -	
Demolition of Vacant Property (PTRF)	(15,000,000)
04 Trenton Capital City Aid (PTRF)	(10,000,000)
04 Municipal Fish Kill Clean-up Support (PTRF).....	(72,000)
04 Consolidation Implementation (PTRF).....	(1,000)
04 Transitional Aid to Localities (PTRF)	(122,747,000)
04 Open Space Payments in Lieu of Taxes (PTRF).....	(9,983,000)
04 Borough of Metuchen - Myrtle Charles	
Park Re-turfing (PTRF).....	(350,000)
04 Borough of Metuchen - Volunteer Fire Department	
Station Renovations and Decontamination	
Equipment (PTRF)	(100,000)

- 04 Borough of Highland Park - Raritan River Trail
Connector Feasibility Analysis (PTRF)(250,000)
- 04 Borough of Highland Park - Recreational Complex
Improvements (PTRF).....(750,000)
- 04 Township of Lawrence (Mercer) - Brunswick Pike
Streetscape Improvement Project (PTRF).....(700,000)
- 04 Township of North Brunswick -
Community Park Walking Trails (PTRF)(500,000)
- 04 City of Elizabeth - Electric Bus Project (PTRF)(486,000)
- 04 Village of Ridgefield Park -
Road Improvement Program (PTRF)(1,800,000)
- 04 Village of Ridgefield Park - Combined Sewer
Long Term Control Plan (PTRF)(200,000)
- 04 Shared Services and School District Consolidation
Study and Implementation (PTRF)(10,000,000)

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Local Recreational Improvement Grants shall be used to provide grants to local units for repairs and improvements to public recreational facilities pursuant to a competitive process administered by the Division of Local Government Services, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for Consolidated Municipal Property Tax Relief Aid shall be distributed on the following schedule: on or before August 1, 45% of the total amount due; September 1, 30% of the total amount due; October 1, 15% of the total amount due; November 1, 5% of the total amount due; 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; provided, however, that notwithstanding the provisions of any law or regulation to the contrary, the Director of Local Government Services, in consultation with the Commissioner of Community Affairs and the State Treasurer, may direct the Director of the Division of Budget and Accounting to provide such payments on an accelerated schedule if necessary to ensure fiscal stability for a municipality.

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 Aid 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/Aid account 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 that received funding pursuant to the previous fiscal year's annual appropriations act; provided further, however, that from the amount hereinabove appropriated there are transferred to the Energy Tax Receipts Property Tax Relief Aid account such amounts as were determined for the 12-month accounting period ending June 30, 2021 and prior fiscal years 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; the amount of Consolidated Municipal Property Tax Relief Aid received by any other 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 Municipal Property Tax Relief Aid to the Energy Tax Receipts Property Tax Relief Aid 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 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 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 total annual amount due for the current 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 its Consolidated Municipal Property Tax Relief Aid or Energy Tax Receipts Property

Tax Relief Aid, or both Consolidated Municipal Property Tax Relief Aid and Energy Tax Receipts 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, the amount hereinabove appropriated for Trenton Capital City Aid is subject to the following condition: The City of Trenton shall enter into an agreement with the Department of Community Affairs setting forth the terms and conditions for receipt of such aid, which shall include financial and operational oversight by the Director of the Division of Local Government Services in the Department of Community Affairs.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Consolidation Implementation shall be allocated to provide reimbursement to local government units that consolidate pursuant to any law, including but not limited to P.L.2007, c.63 (C.40A:65-1 et seq.) and P.L.2009, c.118 (C.54:1-86 et seq.), or to a municipality that is wholly annexed by another municipality pursuant to N.J.S.40A:7-1 et seq., for non-recurring costs that the Director of the Division of Local Government Services, or in the case of a school district consolidation the Commissioner of Education, determines to be necessary to implement such consolidation or annexation, subject to the approval of the Director of the Division of Budget and Accounting; provided, however, that in addition to the amounts hereinabove appropriated, there are appropriated such additional amounts as are determined to be necessary for reimbursement of non-recurring costs associated with local government unit consolidations, subject to the approval of the Director of the Division of Budget and Accounting; provided further that there are appropriated such additional amounts, not to exceed \$15,000,000, as the Director of the Division of Budget and Accounting, in consultation with the Commissioner of Community Affairs and the Director of the Division of Local Government Services, shall determine to be necessary to design and implement one or more voluntary county-based demonstration projects to achieve efficiencies and future cost savings in the provision of services at the local level.

Of the amount hereinabove appropriated for Transitional Aid to Localities, an amount may be allocated by the Director of the Division of Local Government Services to provide short-term financial assistance to a local government unit that is determined by the director to be experiencing financial distress caused by the destruction or loss of a major local business ratable. For purposes of this paragraph, a "major local business ratable" means one or more related parcels of property owned by a single business entity, classified as commercial or industrial, which comprised the largest assessed valuation of any one or more line items of taxable property in a municipality, or generated an annual PILOT payment in excess of 10% of the total municipal levy, or is otherwise determined by the director to be of such significance to a municipality that its destruction or loss has resulted in financial distress; provided, however, that notwithstanding the provisions of any law or regulation to the contrary, the Director of the Division of Local Government Services may direct that part of any such allocation be paid to an affected school

district or county, or to both, in the same manner as if the award of Transitional Aid were raised as revenue from the municipal tax levy; and provided further that a local government unit determined to be experiencing financial distress because of the loss or destruction of a major local business ratable shall not be required to be subject to any additional conditions, requirements, orders, or other operational efficiency or oversight measures authorized pursuant to P.L.2011, c.144 (C.52:27D-118.42a), except as determined to be appropriate by the Director of the Division of Local Government Services.

Of the amount hereinabove appropriated for Transitional Aid to Localities, amounts may be allocated by the Director of the Division of Local Government Services to reimburse any State agency or department for services provided to a participating municipal government unit pursuant to a memorandum of understanding between that State agency or department, the participating municipal government unit, and the Division of Local Government Services, subject to the approval of the Director of the Division of Budget and Accounting.

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, the amount hereinabove appropriated for Transitional Aid to Localities shall be allocated to provide short-term financial assistance where needed to help a municipality that is in serious fiscal distress meet immediate budgetary needs and regain financial stability. A municipality shall be deemed to be eligible for transitional aid if it is identified by the Director of the Division of Local Government Services as experiencing serious fiscal distress where the director determines that, despite local officials having implemented substantive cost reduction strategies, there continue to exist conditions of serious fiscal distress, which may include but shall 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 that 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.

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, 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 whose payments received in fiscal year 2010 exceeded \$5,000, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, any qualifying 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 qualifying municipality thereunder during the current fiscal year.

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 180 days to a local government unit faced with a fiscal crisis, including but not limited to a potential default on tax anticipation notes and on such other terms and conditions as may be required by the commissioner.

Notwithstanding the provisions of N.J.S.40A:4-39 or any other law or regulation to the contrary, a county that assumes responsibility for the provision of local police services in one or more municipalities utilizing a new or expanded county police force may display the anticipated revenues and appropriations associated with such county police force in its annual budget by annexing to that budget a statement describing the sources and amounts of anticipated dedicated revenues and appropriating those dedicated amounts for the purposes of the county police force.

Of the amount hereinabove appropriated for Shared Services and School District Consolidation Study Implementation (PTRF), there is allocated \$1,850,000 for consolidation of fire districts in Hamilton Township (Mercer).

The amount appropriated for Municipal Fish Kill Clean-up Support shall be allocated as follows: \$9,000 to the Borough of Monmouth Beach, \$24,000 to the Borough of Oceanport, and \$39,000 to the City of Long Branch.

The amounts appropriated for Village of Ridgfield Park - Road Improvement Program and Village of Ridgfield Park - Combined Sewer Long Term Control Plan shall be restricted to projects in the vicinity of the New Jersey Turnpike and Route 46 interchange.

76 *Management and Administration*

DIRECT STATE SERVICES

99-8070 Administration and Support Services	<u>\$3,239,000</u>
Total Direct State Services Appropriation, Management and Administration	<u>\$3,239,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$2,667,000)
Materials and Supplies	(8,000)
Services Other Than Personal	(59,000)
Maintenance and Fixed Charges	(16,000)

Special Purpose:

99 Government Records Council	(489,000)
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Department of Community Affairs,
 Total State Appropriation..... \$1,136,250,000

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	\$49,888,000
Grants-in-Aid	222,169,000
State Aid	864,193,000

Appropriations by Fund:

General Fund	\$279,776,000
Property Tax Relief Fund	856,474,000

26 DEPARTMENT OF CORRECTIONS

10 Public Safety and Criminal Justice

16 Detention and Rehabilitation

DIRECT STATE SERVICES

07-7040 Institutional Control and Supervision	\$454,819,000
08-7040 Institutional Care and Treatment	247,360,000
99-7040 Administration and Support Services	<u>65,962,000</u>
Total Direct State Services Appropriation, Detention and Rehabilitation	<u>\$768,141,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$499,978,000)
Food In Lieu of Cash	(3,114,000)
Materials and Supplies	(54,969,000)
Services Other Than Personal	(155,180,000)
Maintenance and Fixed Charges	(15,123,000)

Special Purpose:

07 Civilly Committed Sexual Offender Program	(34,513,000)
08 Mid-State Licensed Drug Treatment Program	(4,000,000)
08 Edna Mahan Visitation Program	(128,000)

Additions, Improvements and Equipment (1,136,000)

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. 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.

Notwithstanding the provisions of any law or regulation to the contrary, amounts collected by the Department of Corrections as commissions in connection with the provision of services for inmates at inmate kiosks, including automated banking, video visitation, electronic mail, and related services, and any unexpended balance at the end of the preceding fiscal year in that account are appropriated to offset departmental costs associated with the provision of such services and other materials and services that directly benefit the inmate population, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove appropriated for Institutional Control and Supervision, Institutional Care and Treatment and Administration and Support Services, there is appropriated an amount not to exceed the difference between projected annualized savings from the consolidations of the Vroom Central Reception and Assignment Facility and the William H. Fauver Youth Correctional Facility, continued savings from contract efficiencies and further restructuring and the actual savings achieved, subject to the approval of the Director of the Division of Budget and Accounting.

7025 System-Wide Program Support
DIRECT STATE SERVICES

07-7025 Institutional Control and Supervision.....	\$33,525,000
13-7025 Institutional Program Support	<u>68,197,000</u>
Total Direct State Services Appropriation, System-Wide	
Program Support.....	<u>\$101,722,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$45,212,000)
Materials and Supplies	(1,775,000)
Services Other Than Personal	(13,013,000)

Special Purpose:

13 Integrated Information Systems	(9,977,000)
13 Offender Re-entry Program.....	(961,000)

13	DOC/DOT Work Details	(537,000)
13	Medication Assisted Treatment (MAT) Program	(2,550,000)
13	Narcan Equipment and Training for Staff.....	(486,000)
13	Peer Specialist Entry Engagement Program	(400,000)
13	Navigators for Released Inmates	(1,000,000)
13	Inhaled Narcan for Released Inmates	(355,000)
13	Hepatitis C Treatment of Offenders with Substance Use Disorder (SUD) Diagnosis	(3,700,000)
13	Hepatitis C Testing and Treatment for State Inmates	(4,500,000)
13	Pre-Release Employment Navigation and Re-entry Services Program.....	(350,000)
13	Custody Overtime and Staffing Consultant	(175,000)
13	IT Modernization, Security Improvements and Enhancements.....	(2,000,000)
13	Internet Infrastructure for Inmates	(5,000,000)
	Additions, Improvements and Equipment	(9,731,000)
In addition to the amounts hereinabove appropriated for Institutional Program Support, an amount not to exceed \$10,000,000 is appropriated for the testing and treatment of Hepatitis C in the State inmate population, subject to the approval of the Director of the Division of Budget and Accounting.		

GRANTS-IN-AID

13-7025	Institutional Program Support	<u>\$69,844,000</u>
	Total Grants-in-Aid Appropriation, System-Wide	
	Program Support	<u>\$69,844,000</u>

Grants-in-Aid:

13	Purchase of Service for Inmates Incarcerated In County Penal Facilities	(\$1,420,000)
13	Purchase of Community Services	(58,924,000)
13	Essex County - Recidivism Pilot Program	(6,000,000)
13	Incarcerated Veterans Initiative Pilot Program	(500,000)
13	Release Support Partnership Program.....	(3,000,000)

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 (RCRP), 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.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Release Support Partnership Program shall be used to provide grants to non-profit entities to meet the reentry needs of individuals preparing to transition back into the community, pursuant to a competitive application process administered by the Commissioner of Corrections, 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 Institutional Program Support, an amount not to exceed \$600,000 is appropriated from the Workforce Development Partnership Fund for the Pre-Release Employment Navigation and Re-Entry Services Program for the purpose of funding employment-related services and assistance to individuals in State custody, upon the recommendation of the Commissioner of Corrections and subject to the approval of the Director of the Division of Budget and Accounting.

The amount appropriated for the Medication Assisted Treatment (MAT) Program shall be made available as grants to counties to support the provision of a supply of medication and other assistance to individuals with opioid abuse disorder upon their release from prison, pursuant to P.L.2021, c.312 (C.30:1B-6.2a et al.).

STATE AID

13-7025 Institutional Program Support	<u>\$25,600,000</u>
(From Property Tax Relief Fund.....)	\$25,600,000)
Total State Aid Appropriation, System-Wide	
Program Support.....	<u>\$25,600,000</u>
(From Property Tax Relief Fund.....)	\$25,600,000)

State Aid:

13 Essex County - County Jail Substance Use Disorder Programs (PTRF)	(\$20,000,000)
13 County Reentry Coordinators (PTRF)	(2,100,000)
13 Union County - Inmate Rehabilitation Services (PTRF)	(3,500,000)

17 Parole**DIRECT STATE SERVICES**

03-7010 Parole.....	\$58,528,000
05-7280 State Parole Board.....	13,477,000
99-7280 Administration and Support Services	<u>3,998,000</u>
Total Direct State Services Appropriation, Parole	<u>\$76,003,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages	(\$46,092,000)
Materials and Supplies.....	(663,000)
Services Other Than Personal.....	(2,343,000)
Maintenance and Fixed Charges.....	(1,053,000)

Special Purpose:

03 Parolee Electronic Monitoring Program	(5,586,000)
03 Supervision, Surveillance, and Gang Suppression Program.....	(3,406,000)
03 Sex Offender Management Unit	(13,034,000)
03 Satellite-based Monitoring of Sex Offenders.....	(2,420,000)
03 Medication-Assisted Treatment (MAT) Expansion.....	(100,000)
03 Narcan Administration and Training	(40,000)
Additions, Improvements and Equipment	(1,266,000)

GRANTS-IN-AID

03-7010 Parole.....	<u>\$46,172,000</u>
Total Grants-in-Aid Appropriation, Parole	<u>\$46,172,000</u>

Grants-in-Aid:

03 Re-Entry Substance Abuse Program.....	(\$14,003,000)
03 Mutual Agreement Program (MAP)	(6,169,000)
03 Community Resource Center Program (CRC).....	(17,124,000)
03 Stages to Enhance Parolee Success Program (STEPS).....	(8,876,000)

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 (RESAP), 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.

To permit flexibility and ensure the appropriate levels of services are provided, appropriated amounts may be transferred between the following accounts: Re-Entry Substance Abuse Program (RESAP), 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 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.

19 Central Planning, Direction and Management

DIRECT STATE SERVICES

99-7000 Administration and Support Services	<u>\$17,872,000</u>
Total Direct State Services Appropriation, Central Planning, Direction and Management	<u>\$17,872,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$14,509,000)
Materials and Supplies	(576,000)
Services Other Than Personal	(532,000)
Maintenance and Fixed Charges	(781,000)
Additions, Improvements and Equipment	(1,474,000)

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 \$1,105,354,000

The unexpended balance at the end of the preceding fiscal year of funds held for the benefit of inmates in the several institutions, and such funds as may be received, are appropriated for the benefit of such inmates.

Payments received by the State from employers of prisoners on their behalf, as part of any work release program, are appropriated for the purposes provided under section 4 of P.L.1969, c.22 (C.30:4-91.4).

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for the Department of Corrections' Institutional Care and Treatment account, such amounts as are determined necessary by the Director of the Division of Budget and Accounting in consultation with the Commissioner of the Department of Corrections may be transferred to the Parole account, the Supervision, Surveillance, and Gang Suppression Program account, and the Stages to Enhance Parolee Success account in the State Parole Board for the purpose of providing necessary assistance to geriatric and medically released parolees and individuals paroled based upon credits earned during a public health emergency.

Summary of Department of Corrections Appropriations
(For Display Purposes Only)

Appropriations by Category:

Direct State Services	\$963,738,000
Grants-in-Aid	116,016,000
State Aid	25,600,000

Appropriations by Fund:

General Fund	\$1,079,754,000
Property Tax Relief Fund	25,600,000

34 DEPARTMENT OF EDUCATION
30 Educational, Cultural, and Intellectual Development
31 Direct Educational Services and Assistance

DIRECT STATE SERVICES

36-5120 Student Transportation	\$264,000
38-5120 Facilities Planning and School Building Aid	970,000
42-5120 School Finance	<u>3,226,000</u>
Total Direct State Services Appropriation, Direct Educational Services and Assistance	<u>\$4,460,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$4,212,000)
Materials and Supplies	(19,000)
Services Other Than Personal	(229,000)

GRANTS-IN-AID

03-5120 Miscellaneous Grants-In-Aid	\$5,000,000
38-5120 Facilities Planning and School Building Aid	<u>275,000,000</u>
Total Grants-in-Aid Appropriation, Direct Educational Services and Assistance	<u>\$280,000,000</u>

Grants-in-Aid:

Grants:

03 Community Schools Pilot Program Fund..... (\$5,000,000)

38 SDA Capital Maintenance and Emergent

Projects (75,000,000)

38 SDA Project Funding, Direct Appropriation..... (200,000,000)

The amount appropriated for Community Schools Pilot Program Fund is appropriated for the purposes set forth in P.L. , c. (C.) (pending before the Legislature as Assembly Bill No. 1055 and Senate Bill No. 1857).

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for SDA Capital Maintenance and Emergent Projects shall be provided to the Schools Development Authority to support emergent needs and capital maintenance in school districts, 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 SDA Project Funding, Direct Appropriation shall be provided to the Schools Development Authority to support school facilities projects in SDA school districts, subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

01-5120 General Formula Aid..... \$8,871,556,000

(From General Fund..... \$732,565,000)

(From Property Tax Relief Fund..... 8,138,991,000)

02-5120 Nonpublic School Aid 129,453,000

03-5120 Miscellaneous Grants-In-Aid 178,523,000

(From Property Tax Relief Fund..... 178,523,000)

07-5120 Special Education 1,406,264,000

(From Property Tax Relief Fund..... 1,406,264,000)

36-5120 Student Transportation 322,488,000

(From Property Tax Relief Fund..... 322,488,000)

38-5120 Facilities Planning and School Building Aid..... 1,282,500,000

(From Property Tax Relief Fund..... 1,282,500,000)

Total State Aid Appropriation, Direct Educational

Services and Assistance..... \$12,190,784,000

(From General Fund..... \$862,018,000)

(From Property Tax Relief Fund..... 11,328,766,000)

Less:

Assessment of EDA Debt Service..... (\$26,529,000)

Growth Savings - Payment Changes (62,801,000)

Total Deductions..... (\$89,330,000)

Total State Aid Appropriation, Direct Educational

Services and Assistance..... \$12,101,454,000

(From General Fund..... \$862,018,000)

(From Property Tax Relief Fund..... 11,239,436,000)

State Aid:

01	Equalization Aid	(\$732,565,000)
01	Equalization Aid (PTRF)	(6,493,464,000)
01	Vocational Expansion Stabilization Aid (PTRF)	(9,679,000)
01	Supplemental Wraparound Program (PTRF)	(4,500,000)
01	Educational Adequacy Aid (PTRF)	(82,397,000)
01	Security Aid (PTRF)	(287,205,000)
01	Adjustment Aid (PTRF)	(280,989,000)
01	Preschool Education Aid (PTRF)	(924,148,000)
01	School Choice (PTRF)	(56,609,000)
02	Nonpublic Textbook Aid	(8,243,000)
02	Nonpublic Handicapped Aid	(28,240,000)
02	Nonpublic Auxiliary Services Aid	(41,649,000)
02	Nonpublic Auxiliary/Handicapped Transportation Aid	(2,469,000)
02	Nonpublic Nursing Services Aid	(16,602,000)
02	Nonpublic Security Aid	(25,850,000)
02	Nonpublic Technology Initiative	(6,400,000)
03	Charter School Aid (PTRF)	(24,023,000)
03	Bridge Loan Interest and Approved Borrowing Cost (PTRF)	(200,000)
03	Payments for Institutionalized Children – Unknown District of Residence (PTRF)	(45,200,000)
03	Recovery High School Access Project (PTRF)	(1,500,000)
03	Stabilization Aid (PTRF)	(50,000,000)
03	Regional School Consolidation Support (PTRF)	(10,000,000)
03	Crossroad Middle School, South Brunswick School District Building Systems Upgrade (PTRF)	(1,000,000)
03	Innovation Academy - Hillside Township School District (PTRF)	(2,400,000)
03	Commercial Valuation Stabilization Aid (PTRF)	(20,000,000)
03	Lead Testing for Schools (PTRF)	(5,000,000)
03	Clayton Model Pilot Program (P.L.2021, c.85) (PTRF)	(500,000)
03	Somerset County Vocational and Technical Schools (PTRF)	(3,700,000)
03	North Bergen School District - Property Acquisition (PTRF)	(10,000,000)
03	Charter School Facility Improvements (PTRF)	(5,000,000)
07	Special Education Categorical Aid (PTRF)	(1,006,264,000)
07	Extraordinary Special Education Costs Aid (PTRF)	(400,000,000)

36	Transportation Aid (PTRF).....	(322,388,000)
36	Family Crisis Transportation Aid (PTRF)	(100,000)
38	School Building Aid (PTRF)	(20,232,000)
38	School Construction Debt Service Aid (PTRF) ...	(115,691,000)
38	School Construction & Renovation Fund (PTRF).....	(1,146,577,000)

Less:

Deductions..... (89,330,000)

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.

Of the amounts hereinabove appropriated for Nonpublic School Aid, such amounts as determined by the Commissioner of Education may be transferred between such accounts to address changes in enrollments and services, subject to the approval of the Director of the Division of Budget and Accounting.

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), subject to the approval of the Director of the Division of Budget and Accounting.

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 2021-2022 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 of Education 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 2021-2022 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 of Education may adjust the per pupil amounts based upon the nonpublic pupil population, the amount appropriated, 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 15, 2020 and the rate per pupil shall be \$112.

From the amount hereinabove appropriated for Nonpublic Security Aid, the Commissioner of Education shall provide State aid to each school district in an amount equal to \$175 multiplied by the number of nonpublic school students within the district identified by the district on or before November 5 for security services,

equipment, or technology to ensure a safe and secure school environment for non-public school students.

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 \$42 per pupil in a manner that is consistent with the provisions of the federal and State constitutions.

The unexpended balance at the end of the preceding fiscal year in the Education Rescue Grant Program is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Such amounts 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.2006, c.15 (C.18A:7A-54 et seq.) or any law or regulation to the contrary, in the event that a school district owes an amount greater than 50 percent of its annual general fund budget attributable in substantial part to loans made to the district from the "School District Deficit Relief Account" established pursuant to P.L.2006, c.15 (C.18A:7A-54 et seq.), such debt, as reduced by the liquidation of all available assets of the school district, may be forgiven upon the school district's merger with another district if the Commissioner of Education determines that such debt represents an impediment to consolidation, 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 amount of \$50,000, to be used for the NJSIAA Steroid Testing program.

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 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 any law or regulation to the contrary, in the event that an "SDA district" sells district surplus property, the proceeds from such sale shall be applied as follows, subject to the approval of the Director of the Division of Budget and Accounting: the Commissioner of Education, in his discretion, may direct that the proceeds be used by the SDA district upon a showing of financial need for a capital maintenance project or for a school facilities project if such

project is consistent with the district's Long-Range Facilities Plan (LRFP) and the project cost does not exceed \$500,000. If the project cost exceeds \$500,000, the commissioner may direct all or a portion of the proceeds to the New Jersey Schools Development Authority (SDA) for use in projects identified in that district's LRFP. In the case of capital maintenance projects, the SDA may forward the specified aid amount directly to the district for completion of the projects. If the commissioner is not satisfied that there is a sufficient showing of financial need for a capital maintenance project or for a school facilities project or if the commissioner is not satisfied that the proposed project is consistent with the district's LRFP, the proceeds shall be returned to the SDA for use by the SDA for school facilities projects in that SDA district which are consistent with the SDA district's LRFP. For the purposes of this provision, "surplus property" means property which is not being replaced by other property under a grant agreement with the SDA.

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 equal to the 2013-2014 assessment. District allocations shall be withheld from 2021-2022 formula aid payments and the assessment cannot exceed the total of those payments.

The amount hereinabove appropriated for Supplemental Wraparound Program shall be provided as State aid to SDA districts to reduce family cost-sharing for before-school, after-school, and summer wraparound child care.

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 of Education 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 allocated as follows: 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 2020-2021 per pupil allocation of Preschool Education Aid inflated by the CPI and multiplied by the district's projected preschool enrollment, except in the case of a school district that participated in the federal Preschool Expansion Grant in 2018-2019, districts that received an allocation of Preschool Education Expansion Aid in 2017-2018 or 2018-2019, and districts that received an allocation of Preschool Education Aid in 2019-2020 or 2020-2021 through the competitive process administered by the Commissioner of Education; 3) in the case of any other district with an allocation of Preschool Education Aid in the 2020-2021 school year calculated using the provisions of section 12 of P.L.2007, c.260

(C.18A:7F-54), districts that participated in the federal Preschool Expansion Grant in 2018-2019, districts that received an allocation of Preschool Education Expansion Aid in 2017-2018 or 2018-2019, or districts that received an allocation of Preschool Education Aid in 2019-2020 or 2020-2021 through the competitive process administered by the Commissioner of Education, an amount calculated in accordance with those provisions based upon 2021-2022 projected FTE enrollments, and multiplied by the per pupil allocations as set forth in the February 2021 State Aid notice issued by the Commissioner of Education. Notwithstanding the provisions of any law or regulation to the contrary, of the amounts hereinabove appropriated for Preschool Education Aid, an amount not to exceed \$26,000,000 shall be allocated by the commissioner to districts in total additional preschool funding for the purpose of expanding free access to full-day preschool for resident three- and four-year old children in accordance with the preschool quality standards issued by the commissioner and based on a district's demonstration of its readiness to operate a preschool program consistent with those standards.

Notwithstanding the provisions of any law or regulation to the contrary, a district's 2021-2022 allocation of the amounts hereinabove appropriated for School Choice Aid shall be 90% of the amount calculated pursuant to the provisions of P.L.2007, c.260; provided, however, in the event that School Choice enrollment reflected on the October 2020 Application for State School Aid is less than projected School Choice enrollment reflected on the 2020-2021 State Aid notice, such district's 2021-2022 School Choice Aid allocation shall be adjusted to reflect actual pre-budget year enrollment as of October 2020, as set forth in the February 2021 State Aid notice issued by the Commissioner of Education. A district's 2021-2022 School Choice enrollment shall not exceed the district's maximum funded choice student enrollment as determined by the Commissioner of Education. In addition to the amounts hereinabove appropriated for School Choice Aid, such additional amounts as may be required, based on actual School Choice enrollment counts submitted as the result of P.L.2020, c.41, for the support of School Choice Aid 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, following notification to the Joint Budget Oversight Committee there are appropriated to the Emergency Fund account such additional amounts as may be required to fund approved applications for emergency aid following district needs assessments conducted by the Department of Education, subject to the approval of the Director of the Division of Budget and Accounting. Provided, further, that the commissioner shall determine the repayment terms, if any, that will be assessed and may appoint a State monitor to a school district that receives an allocation from the Emergency Fund, who shall have the same powers and duties of a State monitor appointed pursuant to P.L.2006, c.15 (C.18A:7A-54 et seq.).

Notwithstanding the provisions of any law or regulation to the contrary, a charter school's 2021-2022 allocation of the amount hereinabove appropriated for Charter School Aid shall be as set forth in the February 2021 State Aid notice issued by

the Commissioner of Education, and shall be adjusted based on the October 15th and the end of the school year actual pupil counts in each of the following cases: 1) in the case of a charter school with higher enrollment in the 2021-2022 school year than in the 2007-2008 school year, to provide that in the 2021-2022 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 2021-2022 per pupil amount that is no less than the 2007-2008 per pupil amount based on average daily enrollment; and 2) to provide amounts pursuant to section 12 of P.L.1995, c.426 (C.18A:36A-12). A charter school shall also receive an allocation to provide that in the 2021-2022 school year, the charter school receives no less total support from the State and resident school district than in the 2020-2021 school year and to ensure that such total payments provide a 2021-2022 per pupil amount that is not less than the 2020-2021 per pupil amount based on average daily enrollment. This allocation shall be adjusted based on the October 15, 2021 actual pupil count. In addition to the amounts hereinabove appropriated for Charter School Aid, such additional amounts as may be required, based on actual charter school enrollment counts submitted through the Charter School Enrollment System, for the support of Charter School Aid 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, from the amount hereinabove appropriated for School Security Compliance Funding, the Commissioner of Education shall award grants to charter schools, renaissance school projects and school districts with school district buildings serving preschool students and no students in grades kindergarten through 12 to equip school buildings with a panic alarm or alternative emergency mechanism to comply with the provisions of P.L.2019, c.33 (C.18A:41-10 et seq.), to reimburse a school district, charter school or renaissance school project for costs previously incurred for equipping a school building after January 1, 2016, or, if the school district, charter school or renaissance school project is compliant with the provisions of P.L.2019, c.33, to complete other eligible school security projects. Each grant award shall be calculated using the charter school's average daily enrollment on October 15, 2019, the renaissance school project's enrollment on October 15, 2019, or the number of students in standalone preschool facilities in the school district as reported on the October 15, 2019 Application for State School Aid, the facilities efficiency standards established pursuant to section 4 of P.L.2000, c.72 (C.18A:7G-4), and an allotment per square foot, as determined by the Commissioner of Education. The unexpended balance at the end of the preceding fiscal year in the School Security Compliance Funding account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, from the amount hereinabove appropriated for Preschool Facilities Lead Remediation, the Commissioner of Education shall award grants to school districts for water infrastructure improvement projects in schools serving solely preschool students, provided that eligibility for funding such projects shall be based on the eligibility requirements for water infrastructure improvement grants in schools serving grades K-12, pursuant to P.L.2018, c.119 and its implementing regulations. The unexpended balance at the end of the preceding fiscal year in the Preschool Facilities Lead Remediation account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Stabilization Aid is subject to the following condition: no funds shall be allocated by the Commissioner of Education unless a district experiences a reduction in State aid or otherwise confronts a structural budgetary imbalance and the district provides, in a format acceptable to the Commissioner, a written plan explaining how the district intends to fund operations in future years in which the district does not receive similar supplemental State aid. Of the amount hereinabove appropriated for Stabilization Aid, such amount as is necessary shall be allocated to provide State aid to military-impacted districts. A school district may receive State aid to military-impacted districts if, in the prebudget year, the school district received a Basic Support Payment of federal Impact Aid under section 7003 of the federal Elementary and Secondary Education Act of 1965 (20 U.S.C. s.7703) and the district provides free public education to federally connected children whose parents are on active duty in the uniformed services. The amount of aid provided to a military-impacted district pursuant to this section shall be calculated as $(PPLTL - PPIA) \times REFCMS$. For purposes of this calculation, PPLTL is the per pupil general fund tax levy, which is derived by dividing the prebudget year general fund tax levy by resident enrollment, without the inclusion of federally connected children whose parents are on active duty in the uniformed services and who otherwise are included in the calculation of resident enrollment as defined pursuant to section 3 of P.L.2007, c.260 (C.18A:7F-45); PPIA is the per pupil federal impact aid amount, which is the result of dividing the amount of a school district's Basic Support Payment received in the prebudget year by the number of federally connected children whose parents are on active duty in the uniformed services; and REFCMS is the resident enrollment of federally connected children whose parents are on active duty in the uniformed services. A school district shall not receive State aid to military-impacted districts pursuant to this section if the difference between PPTL and PPIA is negative. The remaining amount hereinabove appropriated for Stabilization Aid is subject to the following condition: no funds shall be allocated by the Commissioner of Education unless a district experiences a reduction in State aid or otherwise confronts a structural budgetary imbalance and the district provides, in a format acceptable to the Commissioner, a written plan explaining how the district intends to fund operations in future years in which the district does not receive similar supplemental State aid.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Regional School Consolidation Support shall be used to provide grants to school districts for studies or implementation costs associated with school district consolidations pursuant to an application process administered by the Commissioner of Education, 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 Lead Testing for Schools is subject to the following condition: amounts shall be paid to "district boards of education" as it is defined by N.J.A.C. 6A:26-12.4(a), subject to the approval of the Director of the Division of Budget and Accounting, based on approved applications for reimbursement of the costs of testing school drinking water pursuant to the program requirements established by the department in regulations adopted pursuant to the Administrative Procedure Act at N.J.A.C. 6A:26-12.4.

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.

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for Extraordinary Special Education Costs Aid, such amounts as the Director of the Division of Budget and Accounting determines shall be charged to the Property Tax Relief Fund instead of receipts deposited into the Extraordinary Aid Account.

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 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 \$1,000.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Family Crisis Transportation Aid shall be paid to districts based on applications approved from the prior year in accordance with the provisions of section 1 of P.L.2013, c.231 (C.18A:38-1.1), 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, 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.

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 2021-2022 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 percent of the district's approved October 30, 2020 application amount.

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 of Education 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 appropriated such other sums as the Director of the Division of Budget and Accounting shall determine are required to pay all amounts due from the State pursuant to such contracts.

The unexpended balance at the end of the preceding fiscal year in the School Construction and Renovation Fund account is appropriated for the same purpose.

Notwithstanding the provisions of section 4 of P.L.1997, c.264 (C.26:2H-18.58g), section 17 of P.L.2000, c.72 (C.18A:7G-17), or any law or regulation to the contrary, of the amount hereinabove appropriated to the School Construction and Renovation Fund such amounts as the Director of the Division of Budget and Accounting may determine first shall be charged to the Property Tax Relief Fund.

Notwithstanding the provisions of subsection b. of section 4 of P.L.2018, c.67 (C.18A:7F-68) or of any other law, rule, or regulation to the contrary, a school district that is a participating district under an application that is approved for a grant pursuant to subsection a. of section 4 of P.L.2021, c.402 (C.18A:13-47.1 et al.) or a school district that is a participating district under an application that receives preliminary approval pursuant to subsection b. of section 4 of P.L.2021, c.402 (C.18A:13-47.1 et al.) and that has a State aid differential that is positive may elect to receive State school aid in an amount equal to the district's State aid in the prior school year minus 30 percent of the district's State aid differential in the 2021-2022 school year. This State school aid reduction shall be made available to a school district with a positive State aid differential that has received approval or preliminary approval pursuant to section 4 of P.L.2021, c.402 (C.18A:13-47.1 et al.) and is a district that: is seeking to conduct a feasibility study after the date of enactment of P.L.2021, c.402 (C.18A:13-47.1 et al.); has conducted within two years prior to the enactment of P.L.2021, c.402 (C.18A:13-47.1 et al.) a feasibility study for which no prior reimbursement was made; or is in the process of conducting a feasibility study as of the date of enactment of P.L.2021, c.402 (C.18A:13-47.1 et al.). Such amounts as are necessary to provide additional adjustment aid, equalization aid, special education categorical aid, security aid, and transportation aid to districts pursuant to this provision 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, of the amount hereinabove appropriated for Charter School Facility Improvements, to protect the health and safety of students, \$5,000,000 shall be provided to the Department of Education to administer grants to support emergent needs and capital maintenance in charter schools and renaissance school projects upon the review of the Director of the New Jersey Department of Education Office of Charter and Renaissance Schools.

32 Operation and Support of Educational Institutions

DIRECT STATE SERVICES

12-5011 Marie H. Katzenbach School for the Deaf.....	<u>\$5,855,000</u>
Total Direct State Services Appropriation, Operation and Support of Educational Institutions	<u>\$5,855,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$4,030,000)
Materials and Supplies.....	(665,000)
Services Other Than Personal.....	(589,000)
Maintenance and Fixed Charges.....	(400,000)

Special Purpose:

12 Transportation Expenses for Students.....	(40,000)
Additions, Improvements and Equipment	(131,000)

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.

33 Supplemental Education and Training Programs

DIRECT STATE SERVICES

20-5062 Career Readiness and Technical Education.....	<u>\$596,000</u>
Total Direct State Services Appropriation, Supplemental Education and Training Programs	<u>\$596,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$540,000)
Materials and Supplies.....	(26,000)
Services Other Than Personal.....	(30,000)

STATE AID

20-5062 Career Readiness and Technical 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)
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Of the amount hereinabove appropriated for 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.....	\$38,159,000
31-5060 Grants Management	682,000
32-5061 Professional Learning Recruitment and Preparation	5,373,000
33-5067 Field Services	8,945,000
34-5068 Innovation	1,360,000
35-5069 Early Childhood Education	2,314,000

37-5069 Comprehensive Support	1,344,000
40-5064 Student Services	<u>3,463,000</u>
Total Direct State Services Appropriation, Educational	
Support Services	<u>\$61,640,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$20,364,000)
Materials and Supplies	(155,000)
Services Other Than Personal	(1,659,000)
Maintenance and Fixed Charges	(7,000)

Special Purpose:

30 Learning Loss Program	(250,000)
30 Statewide Assessment Program	(36,275,000)
30 General Education Development	(220,000)
32 K-12 Education Workforce Diversity Programs	(550,000)
40 New Jersey Commission on Holocaust Education	(155,000)
40 New Jersey Amistad Commission	(1,000,000)
40 New Jersey Commission on Latino and Hispanic	
Heritage	(1,000,000)

Additions, Improvements and Equipment	(5,000)
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Receipts from the State Board of Examiners' fees in excess of those anticipated, and the unexpended program balances at the end of the preceding fiscal year, are appropriated for the operation of the Professional Development and Licensure programs.

In addition to the amount hereinabove appropriated for the Statewide Assessment Program, there are appropriated such additional amounts as may be necessary 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 Statewide Assessment Program account is appropriated for the same purpose.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for K-12 Education Workforce Diversity Programs shall be used to support Department of Education programs to increase and retain diversity in the K-12 education workforce, which shall include, but not be limited to, the program established pursuant to P.L.2019, c.102 (C.18A:6-136 et seq.) and programs to provide mentorship to minority teachers and candidates for teacher preparation as determined by the Commissioner of Education, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

30-5063 Standards, Assessments and Curriculum	\$4,575,000
34-5068 Innovation	350,000
40-5064 Student Services	<u>2,275,000</u>

(From General Fund.....)	\$1,775,000)
(From Property Tax Relief Fund.....)	500,000)
Total Grants-in-Aid Appropriation, Educational Support	
Services	<u>\$7,200,000</u>
(From General Fund.....)	\$6,700,000)
(From Property Tax Relief Fund	500,000)

State Aid:

30 Advanced Placement Exam Fee Waiver.....	(\$675,000)
30 K-12 Computer Science Education Initiative'	(2,000,000)
30 Bard High School Early College Newark	(250,000)
30 W.E.B. Du Bois Scholars Institute.....	(75,000)
30 Liberty Science Center - Educational Services	(1,350,000)
30 Governor's Literacy Initiative.....	(125,000)
30 Jobs for America's Graduates New Jersey (JAG NJ)....	(100,000)
34 NAN Newark Tech World	(250,000)
34 New Jersey STEM Innovation Fellowship	(100,000)
40 Unified Sports Program	(25,000)
40 High Poverty School District Minority Teacher Recruitment Program	(750,000)
40 Restorative Justice in Education (P.L.2019, c.412) (PTRF).....	(500,000)
40 Grants for After School and Summer Activities for At-Risk Children	(1,000,000)

The amount hereinabove appropriated for Advanced Placement Exam Fee Waiver shall supplement that portion of the Advanced Placement Exam Fee that is not currently funded by the College Board Test Fee Waiver and School Test Processing Fee Waiver for students that qualify for the Free or Reduced Price Lunch Program.

The amount hereinabove appropriated for the K-12 Computer Science Education Initiative shall be used exclusively to support approved applications for the expansion and support of professional development of K-12 computer science teachers, and for advanced computer science course offerings as determined by the Commissioner of Education based on a district's demonstration of its readiness to implement such a program, subject to the approval of the Director of the Division of Budget and Accounting.

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 New Jersey student learning 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.

From the amount hereinabove appropriated for High Poverty School District Minority Teacher Recruitment Program, the Commissioner of Education shall continue the

department's efforts to develop and implement a competitive grant program to provide funding to eligible organizations that recruit, train, and place new teachers, with special emphasis on minority teachers, in one or more high poverty school districts in the State. To be eligible to receive a grant under the program an organization shall meet certain conditions established by the Commissioner of Education. "High poverty school district" means a school district in which the percentage of students who are at-risk pupils, as defined by section 3 of P.L.2007, c.260 (C.18A:7F-45) is equal to or greater than 40 percent. From the amount hereinabove appropriated for High Poverty School District Minority Teacher Recruitment Program, the Commissioner of Education shall appropriate not less than \$250,000 to an organization that, in addition to the criteria stated above, also provides at least two years of direct coaching for teachers and does not accept tuition or fees from teachers to participate in the program. The organization shall also demonstrate a history of being able to place minority teachers in high poverty districts.

The unexpended balance at the end of the preceding fiscal year in the Nonpublic STEM Reimbursement Program (P.L.2019, c.256) account established pursuant to P.L.2019, c.256 is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

39-5094 Teachers' Pension and Annuity Assistance.....	<u>\$5,550,848,000</u>
(From Property Tax Relief Fund.....	<u>\$5,550,848,000</u>)
Total State Aid Appropriation, Educational Support	
Services	<u>\$5,550,848,000</u>
(From Property Tax Relief Fund.....	<u>\$5,550,848,000</u>)

State Aid:

39 Teachers' Pension and Annuity Fund –	
Post Retirement Medical (PTRF)	(\$915,948,000)
39 Teachers' Pension and Annuity Fund (PTRF) ...	(3,263,758,000)
39 Social Security Tax (PTRF)	(839,841,000)
39 Teachers' Pension and Annuity Fund –	
Non-contributory Insurance (PTRF)	(41,981,000)
39 Post Retirement Medical Other Than TPAF	
(PTRF).....	(220,520,000)
39 Debt Service on Pension Obligation Bonds	
(PTRF).....	(268,800,000)

Such additional amounts 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 amounts as are required for payment of Social Security Tax on behalf of members of the Teachers' Pension and Annuity Fund.

Such additional amounts as may be required for the Teachers' Pension and Annuity Fund - Non-contributory Insurance, Post Retirement Medical Other Than TPAF, and Affordable Care Act Fees are appropriated, as the Director of the Division of Budget and Accounting shall determine.

Such additional amounts as may be required for Debt Service on Pension Obligation Bonds are appropriated, as the Director of the Division of Budget and Accounting shall determine.

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.

35 Education Administration and Management

DIRECT STATE SERVICES

41-5092 Performance Management.....	\$587,000
43-5092 Office of Fiscal Accountability and Compliance	2,254,000
99-5095 Administration and Support Services	<u>16,534,000</u>
Total Direct State Services Appropriation, Education	
Administration and Management	<u>\$19,375,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$16,475,000)
Materials and Supplies.....	(123,000)
Services Other Than Personal.....	(2,185,000)
Maintenance and Fixed Charges.....	(87,000)

Special Purpose:

43 Internal Auditing.....	(342,000)
99 New Jersey Italian Heritage Commission	(100,000)
99 State Board of Education Expenses	(63,000)

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.

Such additional amounts as may be required for payments to arbitrators in accordance with section 22 of P.L.2012, c.26 (C.18A:6-17.1) are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Student Registration and Record System account is appropriated for the same purpose.

Costs attributable to EdSmart, 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, 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.

Notwithstanding the provisions of any law or regulation to the contrary, from the amount hereinabove appropriated for Administration and Support Services, the Department of Education shall report on the planned uses of federal block grant funds allocated to the State under the federal "American Rescue Plan Act of 2021," Pub.L. 117-2 from the Elementary and Secondary School Emergency Relief Fund. The report shall include aid made available to directly to school districts and the State, shall tabulate the information by school district, and shall be submitted to the State Treasurer and the Joint Budget Oversight Committee, or its successor, not later than March 31, 2022.

Notwithstanding any law or regulation to the contrary, from the amount hereinabove appropriated for Administration and Support Services, the New Jersey Department of Education shall conduct impact analyses to measure the effectiveness of the proceeds of federal stimulus dollars by the State and local education agencies on closing academic learning gaps, accelerating student learning, closing the digital divide, and improving the social and emotional wellbeing of the students. The Department of Education may hire an outside vendor or partner with an institution of higher education to design, implement, and conduct these impact analyses, which shall identify programs and interventions used with the proceeds of federal stimulus funds by local education agencies in whole or in part, identify what academic and social and emotional supports were implemented and supported by the proceeds of the federal stimulus in whole or in part, and measure the success of the supports and interventions. The Department of Education shall report its findings on a Statewide basis, including a Statewide subgroup analysis, and by local education agency. The Department of Education may hire an outside vendor or partner with an institution of higher education to identify, collect, and analyze the information and prepare a report to the Department of Education. The Department of Education shall prepare and submit to the legislature periodic reports on this information and thereafter shall prepare and submit a report on this information by June 30, 2022. All costs associated with such analyses shall be paid with allowable federal funds.

Department of Education, Total State Appropriation \$18,036,288,000

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.

Subject to the availability of federal funds, the Commissioner of Education shall enter into a contract with a nonprofit entity, having the largest library of audio textbooks, for the provision of products and services to public schools to assist students who are unable to use standard text due to a learning disability, visual impairment, or a physical disability. The products and services to be provided may include, but need not be limited to, accessible, human—narrated audiobooks that are available through both mainstream and specialized devices, software capable of recording and reporting data for instructional purposes, and professional development opportunities for instructional and support staff. Upon the certification of the Director of the Division of Budget and Accounting of the availability of federal funds for the performance of the terms of such contract for the 2021-2022 school year, there is appropriated an amount of federal funds not less than \$375,000 and not to exceed \$1,500,000, subject to the approval of the director.

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 2021 school aid payments are appropriated and the State Treasurer is hereby authorized to make such payment in July 2021, as adjusted for any amounts due and owing to the State as of June 30, 2021.

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, 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 2021-2022 school year for a district in which an independent audit of the 2020-2021 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,” (SFEA) 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 SFEA students enrolled in a career and technical education program, an adult education assessment program, or a post-secondary dual and concurrent enrollment education program.

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, for any district receiving Equalization Aid, Security Aid, Adjustment Aid, Special Education Categorical Aid, or Transportation Aid, no adjustments shall be made to State Aid amounts payable during the 2021-2022 school year based on adjustments to the 2020-2021 allocations using actual pupil counts.

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	\$91,926,000
Grants-in-Aid	287,200,000
State Aid	17,657,162,000

Appropriations by Fund:

General Fund.....	\$1,245,504,000
Property Tax Relief Fund.....	16,790,784,000

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 Community Development and Environmental Management

42 Natural Resource Management

DIRECT STATE SERVICES

11-4870 Forest Resource Management	\$10,052,000
12-4875 Parks Management	39,785,000
13-4880 Hunters' and Anglers' License Fund.....	17,282,000
14-4885 Shellfish and Marine Fisheries Management	3,806,000
20-4880 Wildlife Management.....	542,000
21-4895 Natural Resources Engineering	1,347,000

24-4876 Palisades Interstate Park Commission	<u>4,943,000</u>
Total Direct State Services Appropriation, Natural Resource Management	<u>\$77,757,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages	(\$47,850,000)
Employee Benefits	(3,996,000)
Materials and Supplies	(4,782,000)
Services Other Than Personal	(3,752,000)
Maintenance and Fixed Charges	(2,070,000)

Special Purpose:

11 Fire Fighting Costs	(7,166,000)
12 Princeton Battlefield State Park	(125,000)
12 Green Acres/Open Space Administration	(5,910,000)
20 Endangered Species Tax Check-Off Donations	(402,000)
21 Dam Safety	(1,347,000)
Additions, Improvements and Equipment	(357,000)

In addition to the amount hereinabove appropriated for Forest Resource Management, there is appropriated \$800,000 from the New Jersey Motor Vehicle Commission. Receipts in excess of the amount anticipated from fees, leases and permit receipts from the use of Parks Management fees, leases, permits and marina rentals, 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.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Green Acres/Blue Acres/Open Space Administration account may be provided as recommended by the Commissioner of the Department of Environmental Protection, in part, from five percent of any supplemental appropriations for the Preserve New Jersey Green Acres Fund or the Preserve New Jersey Blue Acres Fund, and the balance shall be transferred from the Garden State Green Acres Preservation Trust Fund, the Green Acres, Farmland, Blue Acres, and Historic Preservation Bond Act of 2007, and the Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009, and any Green Trust Fund established pursuant to a Green Acres bond act to the General Fund, together with an amount not to exceed \$403,000, and is appropriated to the Department of Environmental Protection for Green Acres/Blue Acres/Open Space Administration, subject to the approval of the Director of the Division of Budget and Accounting. Further, there are appropriated from the Garden State Green Acres Preservation Trust Fund such amounts as may be required for the Department's administrative costs related to programs for buyout of flood-prone properties funded by the federal "Disaster Relief Appropriations Act, 2013," provided that reimbursements to the Department of such costs from federal funding agencies shall be reimbursed to the Garden State Green Acres Preservation Trust Fund.

There is appropriated to the Delaware and Raritan Canal Commission such amounts as may be collected from permit review fees pursuant to section 12 of P.L.1974, c.118 (C.13:13A-12), 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 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.

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.

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.

Of the amount hereinabove appropriated for the Hunters' and Anglers' License Fund, the first \$12,570,000 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.

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 Endangered Species Tax Check-Off 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.

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 (C.23:2-13 et seq.), 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.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated, subject to the approval of the Director of the Division of Budget and Accounting, from the Shore Protection Fund such additional amounts as are required to fund the Department's administrative costs related to the Department's

oversight of flood control, coastal replenishment, and other projects funded by the federal “Disaster Relief Appropriations Act, 2013”; provided, however, that any reimbursements received by the State from the federal “Disaster Relief Appropriations Act, 2013” that reimburse the State for such departmental administrative costs shall be deposited in the Shore Protection Fund.

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.

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 or repair requirements. 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 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.

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.

GRANTS-IN-AID

12-4875 Parks Management	<u>\$5,614,000</u>
Total Grants-in-Aid Appropriation, Natural Resource Management	<u>\$5,614,000</u>

Grants-in-Aid:

- 12 Public Facility Programming (\$1,214,000)
- 12 Friends of New Jersey School of Conservation - Stokes State Forest (1,000,000)
- 12 Garret Mountain Reservation Improvement Project..... (3,400,000)

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.

STATE AID

12-4875 Parks Management	<u>\$3,500,000</u>
<i>(From Property Tax Relief Fund.....</i>	<i>\$3,500,000)</i>
Total State Aid Appropriation, Natural Resource Management ...	<u>\$3,500,000</u>
<i>(From Property Tax Relief Fund</i>	<i>\$3,500,000)</i>

State Aid:

12 Grants for Urban Parks (PTRF)(\$3,500,000)

The unexpended balance at the end of the preceding fiscal year in the Grants for Urban Parks account is 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	<u>\$53,500,000</u>
Total Capital Construction Appropriation, Natural	
Resource Management	<u>\$53,500,000</u>

Capital Projects:

Natural Resources Engineering:

21 Shore Protection Fund Projects.....(\$45,000,000)

21 HR-6 Flood Control.....(8,500,000)

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.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amount hereinabove appropriated for Shore Protection Fund Projects, such additional amounts as may be required to provide the State's matching funds share for federally authorized United States Army Corps of Engineers restoration and mitigation projects are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of N.J.S.46:30B-74 and N.J.S.46:30B-75, or any other rule, regulation, or guideline to the contrary, there is appropriated from the Unclaimed Personal Property Trust Fund \$3.2 million for State matching funds for federal grants related to the Maurice River restoration project.

43 Science and Technical Programs**DIRECT STATE SERVICES**

05-4810 Water Supply	\$10,762,000
07-4850 Water Monitoring and Resource Management.....	10,072,000
15-4890 Land Use Regulation and Management.....	14,524,000
18-4810 Science and Research	250,000
29-4850 Environmental Management and Preservation -	
Constitutional Dedication	11,373,000

90-4801 Environmental Policy and Planning	<u>3,092,000</u>
Total Direct State Services Appropriation, Science and Technical Programs	<u>\$50,073,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages	(\$12,575,000)
Materials and Supplies	(471,000)
Services Other Than Personal	(3,824,000)
Maintenance and Fixed Charges	(167,000)

Special Purpose:

05 Administrative Costs Water Supply Bond Act of 1981 - Management	(2,716,000)
05 Administrative Costs Water Supply Bond Act of 1981 - Watershed and Aquifer	(1,999,000)
05 Water/Wastewater Operators Licenses	(43,000)
05 Safe Drinking Water Fund	(2,691,000)
07 Water Resources Monitoring and Planning	(10,072,000)
15 Tidelands Peak Demands	(3,882,000)
18 Hazardous Waste Research	(250,000)
29 Water Resources Monitoring and Planning - Constitutional Dedication	(11,373,000)

Additions, Improvements and Equipment (10,000)

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 \$688,000, 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.

In addition to the amount hereinabove appropriated for the Office of Science Support, an amount not to exceed \$3,068,000 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.

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 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.

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, 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 Water Resources Monitoring and Planning - 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 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, including amounts of \$1,745,000 for New Jersey Geological Survey, \$500,000 for Forest Resource Management, and an amount not to exceed \$790,000 for the Department of Agriculture to support nonpoint source pollution control programs, at a level of \$540,000, and the Conservation Assistance Program, at an amount not to exceed \$250,000, on or before September 1, 2021, 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 et seq.), 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.

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 hereinabove appropriated from those sources such amounts 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 amounts that may be received from the federal government for the Drinking Water State Revolving Fund program are appropriated for the same purpose.

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.

Of the amount hereinabove appropriated for the Stormwater Management Grants and Watershed Restoration Projects programs, such amounts 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.

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 amounts 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.

CAPITAL CONSTRUCTION

05-4840 Water Supply \$60,000,000

Total Capital Construction Appropriation, Science
and Technical Programs \$60,000,000

Capital Projects:

05 Drinking Water and Clean Water Infrastructure .. (\$60,000,000)

44 Site Remediation and Waste Management

DIRECT STATE SERVICES

19-4815 Publicly-Funded Site Remediation and Response \$9,553,000

23-4910 Solid and Hazardous Waste Management 5,119,000

27-4815 Remediation Management 35,703,000

Total Direct State Services Appropriation, Site
Remediation and Waste Management \$50,375,000

Direct State Services:

Personal Services:

Salaries and Wages (\$16,615,000)

Materials and Supplies.....	(146,000)
Services Other Than Personal.....	(3,396,000)
Maintenance and Fixed Charges.....	(437,000)
Special Purpose:	
19 Cleanup Projects Administrative Costs.....	(9,553,000)
27 Hazardous Discharge Site Cleanup Fund –	
Responsible Party.....	(20,228,000)

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.

In addition to site specific charges, the amounts hereinabove for the Remediation Management 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 \$10,259,000 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 and Licensed Site Remediation Professionals fees deposited into the Hazardous Discharge Site Cleanup Fund, together with an amount not to exceed \$15,106,000 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.

Receipts in excess of the amount anticipated from Solid Waste - Utility Regulation Assessments, 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 et seq.) agencies for costs incurred to oversee the State's recycling efforts and other solid waste program activities.

In addition to the federal funds amount for the Publicly-Funded Site Remediation and Response program classification and the Remediation Management program classification, such additional amounts that may be received from the federal govern-

ment for the Superfund Grants program are hereby appropriated for the same purpose.

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).

CAPITAL CONSTRUCTION

29-4815 Environmental Management and Preservation -

Constitutional Dedication	<u>\$38,669,000</u>
Total Capital Construction Appropriation, Site Remediation and Waste Management	<u>\$38,669,000</u>

Capital Projects:

Site Remediation:

- 29 Hazardous Substance Discharge Remediation -
Constitutional Dedication..... (\$11,373,000)
- 29 Private Underground Storage Tank Remediation -
Constitutional Dedication..... (11,373,000)
- 29 Hazardous Substance Discharge Remediation
Loans & Grants - Constitutional Dedication (15,923,000)

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.

The amounts hereinabove appropriated for Private Underground Storage Tank Remediation - 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.

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 Brown-field Site Reimbursement Fund, subject to the approval of the Director of the Division of Budget and Accounting.

Except as otherwise provided in this act and notwithstanding the provisions of any other law or regulation to the contrary, cost recoveries, recoveries of natural resource damages received pursuant to judgments concluded prior to the effective date of Article VIII, Section II, paragraph 9 of the State Constitution, 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.

Notwithstanding the provisions of any law or regulation to the contrary, there are hereby appropriated from the Natural Resource Damages – Constitutional Dedication account such amounts as are required, as determined by the Director of the Division of Budget and Accounting, in consultation with the Attorney General, and consistent with the requirements of the constitutional dedication pursuant to Article VIII, Section II, paragraph 9 of the State Constitution, to pay the legal or other costs incurred by the State to pursue settlements and judicial administrative awards relating to natural resource damages.

45 Environmental Regulation

DIRECT STATE SERVICES

01-4820 Radiation Protection and Quality Assurance.....	\$5,330,000
02-4825 Air Pollution Control.....	14,816,000
08-4891 Water Pollution Control	8,026,000
09-4860 Public Wastewater Facilities	<u>2,698,000</u>
Total Direct State Services Appropriation, Environmental Regulation	<u>\$30,870,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$17,863,000)
Materials and Supplies.....	(133,000)
Services Other Than Personal.....	(4,520,000)
Maintenance and Fixed Charges.....	(176,000)

Special Purpose:

01 Nuclear Emergency Response	(1,784,000)
01 Quality Assurance - Lab Certification Programs.....	(1,412,000)
02 Pollution Prevention	(1,059,000)
02 Toxic Catastrophe Prevention.....	(1,024,000)
02 Worker and Community Right to Know Act	(791,000)

02 Oil Spill Prevention..... (2,108,000)

There are appropriated from the "Commercial Vehicle Enforcement Fund," established pursuant to section 17 of P.L.1995, c.157 (C.39:8-75), such amounts 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.

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.

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.). Receipts in excess of the amount anticipated, not to exceed \$1,202,000, are appropriated. The unexpended balance at the end of the preceding fiscal year in the Nuclear Emergency Response account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulations to the contrary, receipts from agreements entered into by the Department of Environmental Protection with Exelon Generation Company, LCC, in an amount not to exceed \$1,097,000 may be transferred to the Department of Law and Public Safety for State Police operating costs and grants related to the Nuclear Emergency Response 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 \$251,000, 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 \$397,000, 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 \$364,000, 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 section 1 of P.L.1990, c.80 (C.58:10-23.11f1), 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.

Receipts in excess of those anticipated from Air Pollution Fees - Minor Sources, 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, 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 amounts that may be received from the federal government for the Clean Water State Revolving Fund program are appropriated.

46 Environmental Planning and Administration

DIRECT STATE SERVICES

26-4805 Regulatory and Governmental Affairs	\$1,735,000
99-4800 Administration and Support Services	<u>21,995,000</u>
Total Direct State Services Appropriation, Environmental Planning and Administration.....	<u>\$23,730,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$17,498,000)
Materials and Supplies.....	(124,000)
Services Other Than Personal.....	(1,222,000)
Maintenance and Fixed Charges.....	(157,000)

Special Purpose:

99 New Jersey Environmental Management System	(4,729,000)
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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>\$7,274,000</u>
(From General Fund.....	\$5,678,000)
(From Property Tax Relief Fund.....	1,596,000)
Total State Aid Appropriation, Environmental Planning and Administration.....	<u>\$7,274,000</u>

(From General Fund.....\$5,678,000)
 (From Property Tax Relief Fund.....1,596,000)

State Aid:

- 99 Mosquito Control, Research, Administration
 and Operations (PTRF)..... (\$1,596,000)
- 99 Administration and Operations of the
 Highlands Council..... (2,429,000)
- 99 Administration, Planning and Development
 Activities of the Pinelands Commission..... (3,249,000)

Receipts from permit fees imposed by the Pinelands Commission on behalf of the Department of Environmental Protection, pursuant to a memorandum of agreement between the Pinelands Commission and the Department of Environmental Protection, are hereby appropriated to the Pinelands Commission.

The unexpended balance at the end of the preceding fiscal year in the Mosquito Control, Research, Administration and Operations account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for Mosquito Control, Research, Administration and Operations, no less than \$250,000 shall be allocated for the activities of the State Mosquito Control Commission subject to the approval of the Director of the Division of Budget and Accounting.

47 Compliance and Enforcement

DIRECT STATE SERVICES

02-4855 Air Pollution Control..... \$4,664,000
 04-4835 Pesticide Control 2,252,000
 08-4855 Water Pollution Control 6,616,000
 15-4855 Land Use Regulation and Management..... 3,029,000
 23-4855 Solid and Hazardous Waste Management 5,525,000

Total Direct State Services Appropriation, Compliance
 and Enforcement..... \$22,086,000

Direct State Services:

Personal Services:

Salaries and Wages (\$16,799,000)
 Materials and Supplies..... (196,000)
 Services Other Than Personal..... (3,168,000)
 Maintenance and Fixed Charges..... (704,000)

Special Purpose:

15 Tidelands Peak Demands..... (1,219,000)

Receipts in excess of the amount anticipated for Pesticide Control 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.

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.). The unexpended balance at the end of the preceding fiscal year of the Coastal Protection Trust Fund may be reallocated for any of the purposes in this paragraph. 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.

There is appropriated to the Department of Environmental Protection, pursuant to R.S.12:5-6, all penalties, fines, recoveries of costs, and interest deposited to 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>
<i>(From Property Tax Relief Fund.....</i>	<i>\$2,700,000)</i>
Total State Aid Appropriation, Compliance and Enforcement	<u>\$2,700,000</u>
<i>(From Property Tax Relief Fund</i>	<i>\$2,700,000)</i>

State Aid:

08 County Environmental Health Act (PTRF).....(\$2,700,000)

Department of Environmental Protection,

Total State Appropriation..... \$426,148,000

In the event that revenues are received in excess of the amount of revenues anticipated from Solid Waste Utility Regulation Assessments, Water Allocation, New Jersey

Pollutant Discharge Elimination System/Stormwater Permits, Coastal Area Facility Review Act, Freshwater Wetlands Fees, Stream Encroachment, Waterfront Development Fees, Wetlands, Well Permits/Well Drillers/Pump Installers Licenses, Water/Wastewater Operators Licenses, Air Pollution Fees - Minor Sources, and Pesticide Control Fees, if the amounts of such unanticipated revenues exceed \$8,224,000, the amounts of such unanticipated revenues in excess of \$8,224,000 and any reappropriated balances 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.

Of the amount hereinabove appropriated for the Private Underground Storage Tank Remediation - Constitutional Dedication account, an amount not to exceed \$1,000,000 shall be allocated for costs associated with the State Underground Storage Tank Inspection Program, pursuant to the amendments effective July 1, 2015, 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.

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 \$3,803,000 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 \$4,600,000 anticipated for Air Pollution Fines, Clean Water Enforcement Act, Stream Encroachment Fines, Waterfront Development Fines, Freshwater Wetlands Fines, Solid Waste Fines, 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.

There is reappropriated to the Department of Environmental Protection an amount not to exceed \$5,000,000 from the "Shore Protection Fund" established pursuant to the "Shore Protection Bond Act of 1983," P.L.1983, c.356, for the cost, as defined by that 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 hereby appropriated for the same purpose the unexpended balance of funds that were 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," P.L.1996, c.70, to provide funding to the Department of Transportation for financing the cost of dredging navigation channels not located in the port region, as provided for in section 7 of P.L.1996, c.70, pursuant to a memorandum of understanding between the Department of Environmental Protection and the Department of Transportation, setting forth, among other things, a list of the channels to be dredged.

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.

Summary of Department of Environmental Protection Appropriations
(For Display Purposes Only)

Appropriations by Category:

Direct State Services.....	\$254,891,000
Grants-in-Aid.....	5,614,000
State Aid.....	13,474,000
Capital Construction.....	152,169,000

Appropriations by Fund:

General Fund	\$418,352,000
Property Tax Relief Fund	7,796,000

46 DEPARTMENT OF HEALTH

20 Physical and Mental Health

21 Health Services

DIRECT STATE SERVICES

01-4215 Vital Statistics.....	\$1,321,000
02-4220 Family Health Services.....	2,696,000
03-4230 Public Health Protection Services	12,035,000
05-4285 Community Health Services.....	8,122,000
08-4280 Laboratory Services.....	5,969,000
12-4245 AIDS Services	<u>1,336,000</u>
Total Direct State Services Appropriation, Health Services	<u>\$31,479,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$13,904,000)
Materials and Supplies.....	(2,229,000)
Services Other Than Personal.....	(1,116,000)
Maintenance and Fixed Charges.....	(330,000)

Special Purpose:

02 WIC Farmers Market Program.....	(85,000)
02 Identification System for Children's Health and Disabilities.....	(300,000)
02 Governor's Council for Medical Research and Treatment of Autism.....	(492,000)
02 Public Awareness Campaign for Black Infant Mortality.....	(500,000)
02 Implicit Bias Reduction Training.....	(250,000)
02 Maternal Infant Health Doula Registry.....	(450,000)
03 Cancer Registry.....	(393,000)
03 Cancer Investigation and Education.....	(493,000)

03	Emergency Medical Services for Children	(50,000)
03	New Jersey Immunization Information Systems	(500,000)
03	Animal Welfare.....	(146,000)
03	Worker and Community Right to Know.....	(1,764,000)
05	Breast Cancer Public Awareness Campaign.....	(90,000)
05	New Jersey Commission on Cancer Research.....	(4,000,000)
05	Smoking Cessation and Prevention.....	(500,000)
05	Cancer Screening - Early Detection and Education Program.....	(3,106,000)
08	West Nile Virus - Laboratory.....	(630,000)
	Additions, Improvements and Equipment	(151,000)

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 \$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.

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.

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 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 three entities, with the services of such person allocated to the three entities as shall be determined by the three entities.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated from the Autism Medical Research and Treatment Fund such amounts as are necessary to support the award of grants for a Special Health Needs Medical Homes pilot 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, there is appropriated \$250,000 from the Autism Medical Research and Treatment Fund for the Autism New Jersey Helpline.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated from the New Jersey Brain Injury Research Fund such amounts as

are necessary to support the award of grants for research on the treatment of brain injuries, both traumatic and non-traumatic, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove appropriated, notwithstanding the provisions of any law or regulation to the contrary, there is appropriated \$154,000 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 are appropriated from the New Jersey Spinal Cord Research Fund such amounts as are necessary to support the award of grants for research on the treatment of spinal cord injuries, both traumatic and non-traumatic, 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.

The unexpended balances at the end of the preceding fiscal year in the Statewide Trauma Registry account are appropriated to implement a Statewide registry of hospitalization for traumatic injury, 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."

The unexpended balance at the end of the preceding fiscal year in the New Jersey Emergency Medical Service Helicopter Response Program account is appropriated.

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 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.

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated from the "Emergency Medical Technician Training Fund" \$125,000 for Emergency Medical Services and \$180,000 for the First Response EMT Cardiac Training Program.

In the event that amounts available in the "Emergency Medical Technician Training Fund" are insufficient to support reimbursement levels of \$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 from the "Emergency Medical Technician Training Fund" \$150,000 to support the web-based certification platform for all certified NJ Emergency Medical Services Personnel.

In addition to the purposes set forth in section 2 of P.L.1993, c.227 (C.26:4-100.13), funds in the Hepatitis Inoculation Fund are appropriated and may be used for hepatitis prevention activities, 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.

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.

GRANTS-IN-AID

02-4220 Family Health Services	\$181,641,000
(From General Fund.....)	\$181,125,000)
(From Casino Revenue Fund.....)	516,000)
03-4230 Public Health Protection Services	77,556,000
05-4285 Community Health Services.....	2,300,000
12-4245 AIDS Services.....	<u>29,485,000</u>
Total Grants-in-Aid Appropriation, Health Services	<u>\$290,982,000</u>
(From General Fund.....)	\$290,466,000)
(From Casino Revenue Fund.....)	516,000)

Grants-in-Aid:

02 Family Planning Services	(\$19,529,000)
02 Maternal, Child and Chronic Health Services.....	(36,159,000)
02 Statewide Birth Defects Registry (CRF).....	(516,000)
02 Bergen Volunteer Medical Initiative.....	(300,000)
02 Integrated Care Pilot Program for Military, Veterans, and First Responders	(500,000)

02	NJ Center for Tourette Syndrome and Associated Disorders	(400,000)
02	Poison Control Center	(587,000)
02	Early Childhood Intervention Program	(114,840,000)
02	Surveillance, Epidemiology, and End Results Expansion Program – CINJ	(1,950,000)
02	Adler Aphasia Center	(200,000)
02	Improving Veterans Access to Health Care	(2,500,000)
02	REED Next Autism Services Program	(1,000,000)
02	Samaritan - Expanded Access to Palliative Care	(1,500,000)
02	American Red Cross New Jersey Region	(1,660,000)
03	Cancer Institute of New Jersey	(28,000,000)
03	South Jersey Cancer Program - Camden	(27,400,000)
03	Cancer Institute of New Jersey - University Hospital Cancer Center Services	(1,000,000)
03	Cancer Institute of New Jersey - Colorectal and Lung Cancer, Service Expansion	(2,000,000)
03	Worker and Community Right to Know	(281,000)
03	Public Health Infectious Disease Control	(1,875,000)
03	Cancer Institute of New Jersey - Pediatric Cancer Center	(10,000,000)
03	Robert Wood Johnson University Hospital - Mobile Health Service	(5,000,000)
03	ScreenNJ	(2,000,000)
05	Implementation of Comprehensive Cancer Control Program	(1,000,000)
05	ALS Association	(1,000,000)
05	Pharmaceutical Services for Adults with Cystic Fibrosis Program	(200,000)
05	Vaccinations for Individuals with Developmental or Intellectual Disabilities	(100,000)
12	North Jersey Community Research Initiative	(75,000)
12	AIDS Grants	(24,410,000)
12	Overdose Fatality Review Team	(1,000,000)
12	Syringe Access Program	(4,000,000)

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.

The Commissioner of Health shall, pursuant to applications, award funding for a pilot program for integrated health care for military, veterans, and first responders, to up to one health system or general hospital in the northern part of the State and up to one health system or general hospital in the southern part of the State.

Receipts from the federal Medicaid (Title XIX) program for handicapped infants are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for the ALS Association to provide support services to New Jersey residents, 50 percent shall be allocated to the Greater Philadelphia Chapter of the ALS Association to serve residents in southern New Jersey and 50 percent shall be allocated to the Greater New York Chapter of the ALS Association to serve residents in central and northern New Jersey.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amount hereinabove appropriated for the Early Childhood Intervention Program, there is appropriated up to \$4,000,000 from the Autism Medical Research and Treatment Fund for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting; provided, however, that such sums as are necessary to fund the Autism helpline and registry and any grant award approvals announced by the Governor's Council for Medical Research and Treatment of Autism after June 1, 2021 shall first be paid from the Autism Medical Research and Treatment Fund.

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 most recent published edition of the New Jersey Early Intervention System Family Cost Participation Handbook.

In addition to the amount hereinabove appropriated for the Early Childhood Intervention Program, such additional amounts as may be necessary are 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, 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.), as amended, 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.

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 amount hereinabove appropriated for Improving Veterans Access to Health Care shall be used to support the costs of continued operations by the Vets4Warriors Program and any remaining amounts may be allocated by the Commissioner of

Health on a competitive basis to fund initiatives to improve veterans' access to health care.

Upon a determination by the Commissioner of Health, made in consultation with the State Treasurer, that additional State funding is necessary to reimburse centers 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 section 9 of P.L.2003, c.200 (C.52:9EE-9), there is appropriated from the New Jersey Brain Injury Research Fund the amount of \$280,000 which shall be transferred to the Department of Human Services and allocated to the Brain Injury Alliance of New Jersey for specialized community-based services.

There is appropriated \$570,000 from the Alcohol Education, Rehabilitation and Enforcement Fund to fund the Fetal Alcohol Syndrome Program.

From the amount hereinabove appropriated for the Cancer Institute of New Jersey, \$250,000 is appropriated to the Ovarian Cancer Research Fund.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Cancer Institute of New Jersey (CINJ) shall be conditioned upon the following provision: no funds shall be expended except to support CINJ's infrastructure necessary to support cancer research, prevention, and treatment.

The unexpended balance at the end of the preceding fiscal year in the South Jersey Cancer Program - Camden account are appropriated to the program for cancer-related capital equipment, design, engineering, and construction expenses.

The amount hereinabove appropriated for Cancer Institute of New Jersey - University Hospital Cancer Center Services is allocated to the Cancer Institute of New Jersey for the expansion of National Cancer Institute-designated Cancer Center services at University Hospital in Newark to attract clinical trials and advanced cancer care and prevention strategies to the Greater Newark Area with the goal of ensuring parity among cancer patients, including the underserved and underinsured populations.

Of the amount hereinabove appropriated for Public Health Infectious Disease Control, up to \$250,000 may be transferred to Direct State Services accounts 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.

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 amounts 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.

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.

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.

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.

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.

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.

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.

22 Health Planning and Evaluation

DIRECT STATE SERVICES

06-4260 Health Care Facility Regulation and Oversight.....	\$11,811,000
07-4270 Health Care Systems Analysis.....	<u>1,453,000</u>
Total Direct State Services Appropriation, Health Planning and Evaluation.....	<u>\$13,264,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$8,887,000)
Materials and Supplies.....	(97,000)
Services Other Than Personal.....	(2,541,000)
Maintenance and Fixed Charges.....	(185,000)

Special Purpose:

06 Nursing Home Background Checks/Nursing Aide Certification Program	(954,000)
06 Implement Patient Safety Act	(390,000)
Additions, Improvements and Equipment	(210,000)

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.

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.

GRANTS-IN-AID

07-4270 Health Care Systems Analysis	<u>\$427,832,000</u>
Total Grants-in-Aid Appropriation, Health Planning and Evaluation	<u>\$427,832,000</u>

Grants-in-Aid:

07 Health Care Subsidy Fund Payments.....	(\$76,888,000)
07 Hospital Asset Transformation Program.....	(14,999,000)
07 Visiting Nurse Association of Central Jersey Community Health Center - LGBTQ	(1,000,000)
07 Parker Health Clinic - Red Bank.....	(100,000)
07 Graduate Medical Education.....	(242,000,000)
07 Holy Name Hospital, Teaneck - Palliative Care Pilot Program	(3,000,000)
07 Hackensack Meridian School of Medicine at Seton Hall University	(7,000,000)
07 Hunterdon County Medical Center - Mental Health & Substance Abuse Disorder Services	(500,000)
07 Regional Coordinator Hospitals.....	(9,000,000)
07 Salem Medical Center - Specialized System of Care.....	(4,900,000)
07 Metropolitan Regional Diagnostic and Treatment Center - Newark Beth Israel Medical Center	(800,000)
07 Carrier Clinic - Pediatric Inpatient Behavioral Health Expansion.....	(5,000,000)
07 Quality Improvement Program - New Jersey (QIP-NJ).....	(62,645,000)

Notwithstanding the provisions of any law or regulation to the contrary, any 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/NJ FamilyCare 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 is subject to the following conditions: the distribution of Charity Care funding shall be calculated in the following manner: (a) source data for the most recent census data shall be from the 2019 5-Year American Community Survey; (b) source data used shall be from calendar year (CY) 2019 for documented charity care claims data and hospital-specific gross revenue for charity care patients and shall include all adjustments and void claims related to CY 2019 and any prior year submitted claims, as submitted by each acute care hospital or determined by the Department of Health (DOH); (c) source data used for CY 2019 documented charity care for each hospital's total gross revenue for all patients shall be from the CY 2019 audited Acute Care Hospital Cost Report as defined by Form E4, Line 1, Column E data and shall be according to the DOH due date of August 31, 2020, as submitted by January 31, 2021 by each acute care hospital and audited by March 1, 2021; (d) source data used for CY 2019 documented charity care shall be from CY 2019 Medicaid Cost Report submitted by each acute care hospital by February 14, 2021; (e) in the event that an eligible hospital failed to submit the CY 2019 Acute Care Hospital Cost Report, source data from their CY 2018 Acute Care Hospital Cost Report shall be used for hospital-specific gross revenue for charity care patients and for hospital total gross revenue for all patients as defined by Form E4, Line 1, Column E; (f) in the event that an eligible hospital failed to submit a full year CY 2019 Acute Care Hospital Cost Report, source data from a supplemental 2019 Acute Care Hospital Cost Report shall be used for hospital-specific gross revenue for charity care patients and for hospital total gross revenue for all patients as defined by Form E4, Line 1, Column E; (g) for each eligible hospital, except those designated 96% by their hospital-specific reimbursed documented charity care, a proportionate decrease shall be applied to its calculated subsidy based on its percentage of total subsidy such that the total calculated subsidy for all hospitals shall equal \$319,000,000; and (h) the resulting value will constitute each eligible hospital's SFY 2022 charity care subsidy allocation.

The amounts hereinabove appropriated for Health Care Subsidy Fund Payments are conditioned upon the following provision: the Department of Health shall review, examine, or audit any and all financial information maintained by an acute care hospital to ensure appropriate use of public funds.

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: A disproportionate share hospital eligible for funding through the Charity Care program may decline Charity Care pay-

ments for the fiscal year by notifying the Commissioner of Health on a form designated by the Department of Health on or before the fifteenth day following enactment. If a disproportionate share hospital declines Charity Care payments for the fiscal year the amount declined will be redistributed in accordance with the provisions of section 3 of P.L.2004, c.113 (C.26:2H-18.59i), as modified by this act.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Charity Care Subsidy is subject to the condition that participating hospitals shall demonstrate participation in the New Jersey Department of Health's New Jersey Health Information Network (NJHIN). For purposes of this paragraph, demonstrated participation in the NJHIN shall mean: (1) the hospital has directly, or indirectly through another Trusted Data Sharing Organization, executed the NJHIN Data Use and Reciprocal Support Agreement and the NJHIN Business Associate Agreement; (2) the hospital executed and participates in the NJHIN Core Use Case; and (3) the hospital executed and participates in the Statewide Admission, Discharge, Transfer Notification Use Case, as determined by the Commissioner of Health. Provided further, that notwithstanding the provisions of any law or regulation to the contrary, participating hospitals also shall report to the Commissioner of Health key indicators of connections to care provided to patients who are eligible for Charity Care, as defined by the Commissioner of Health; in the event that a hospital does not report such information as determined by the Commissioner of Health, the final 1/12 of the hospital's Charity Care subsidy may be withheld, subject to the approval of the Director of the Division of Budget and Accounting.

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.

Notwithstanding the provisions of any law or regulation to the contrary, and 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 and full Federal Financial Participation, \$218,000,000 from amounts hereinabove appropriated for Graduate Medical Education (GME) shall be designated the GME Subsidy, and shall be calculated as follows: (a) the subsidy payment shall be split into a Direct Medical Education (DME) portion and an Indirect Medical Education (IME) portion; (b) source data used for the GME calculation shall come from the Medicaid cost report for calendar year (CY) 2019 submitted by each acute care hospital by February 14, 2021 and Medicaid Managed Care encounter payments data for Medicaid and NJ FamilyCare clients as reported by insurers to the State for the following reporting period: services dates between January 1, 2019 and December 31, 2019; payment dates between January 1, 2019 and December 31, 2020; and a run-date of not later than February 15, 2021; (c) in the event that a hospital reported less than 12 months of 2019 Medicaid costs, the number of reported months of data regarding days, costs, or payments shall be

annualized. In the event the hospital completed a merger, acquisition, or business combination resulting in two cost reports filed during the calendar year, two cost reports will be combined into one or a supplemental cost report for the calendar year 2019 submitted by the affected acute care hospital by January 31, 2021 shall be used. 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 as per source data defined in (b) above; (d) Medicaid managed care DME cost begins with the intern and residency program costs using the 2019 submitted Medicaid cost report total residency costs, reported on Worksheet B Pt I Column 21 Line 21 plus Worksheet B Pt I Column 22 Line 22 divided by the 2019 resident full time equivalent employees (FTE), reported on Worksheet S-3 Pt 1 Column 9 line 14 to develop an average cost per resident FTE for each hospital; (e) median cost per resident FTE is calculated based on the average cost per resident FTE for each hospital; (f) the median cost per resident FTE is multiplied by the 2019 resident FTEs reported on Worksheet S-3 Pt 1 Column 9 Line 14 to develop total median residency program cost for each hospital; (g) median residency costs are multiplied by the ratio of Medicaid managed care days, reported on Worksheet S-3 Column 7 Line 2, divided by the difference of total days, reported on Worksheet S-3 Column 8 Line 14, less nursery days, reported on Worksheet S-3 Column 8 Line 13 to determine the Medicaid managed care DME cost of each hospital; (h) Medicaid managed care IME cost is defined as the Medicare IME factor multiplied by Medicaid managed care encounter payments as per source data defined in (b) above; (i) the IME factor is calculated using the Medicare IME formula as follows: $1.35 * [(1 + x)^{0.405} - 1]$, in which "x" is the ratio of submitted IME resident FTEs reported on Worksheet S-3 Pt 1 Column 9 Line 14 divided by the difference of total available beds, reported on Worksheet S-3 Column 2 Line 14, less nursery beds, reported on Worksheet S-3 Column 2 Line 13; (j) total 2019 Medicaid managed care GME costs shall equal total 2019 Medicaid managed care IME costs plus total 2019 Medicaid managed care DME costs; (k) the 2019 total Medicaid managed care DME costs is divided by the total 2019 Medicaid managed care GME costs; (l) the DME allocation portion is calculated by multiplying the total subsidy amount by the ratio in (k) above; (m) each hospital's percentage of total 2019 Medicaid managed care DME costs shall be multiplied by the DME allocation to calculate its DME payment; (n) the 2019 total Medicaid managed care IME costs are divided by the total 2019 Medicaid managed care GME costs; (o) the IME allocation portion is calculated by multiplying the total subsidy amount by the ratio in (n) above; (p) each hospital's percentage of total 2019 Medicaid managed care IME costs shall be multiplied by the IME allocation to calculate its IME payment; (q) the sum of a hospital's DME and IME payments shall equal its subsidy payment. The total GME Subsidy amount and these payments shall not exceed \$218,000,000 and shall be paid in 12

monthly payments; (r) 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; (s) each hospital receiving a GME allocation shall, on or before May 31, 2022, provide a report to the Commissioner of Health indicating the total number of physicians who completed their training during the preceding calendar year, and the number of those physicians who plan to practice medicine within the State of New Jersey.

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 2021, and (2) their January 2022 through June 2022 monthly payments in advance by the end of December 2021. If an eligible hospital closes before June 30, 2022, the hospital shall reimburse to the State upon closure any subsidy payments attributed on the normal monthly payment basis to after the hospital's date of closure.

Notwithstanding the provisions of any law or regulation to the contrary, and 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 and full Federal Financial Participation, \$24,000,000 from the amounts hereinabove appropriated from Graduate Medical Education (GME) shall be designated as Supplemental Graduate Medical Education Subsidy (GME-S), and shall be available to hospitals that meet the following eligibility criteria: (a) an eligible hospital has a Relative Medicaid Percentage (RMP) that is among the top fourteen acute care hospitals with a residency program; (b) the RMP is a ratio calculated using the 2019 Audited Acute Care Hospital (ACH) Cost Reports according to the DOH due date of August 31, 2020, as submitted by January 31, 2021 by each acute care hospital and audited by March 1, 2021; (c) the RMP numerator equals a hospital's gross revenue from patient care for Medicaid and Medicaid HMO payers as reported on Forms E5 and E6, Line 1, Column D & Column H; (d) the RMP denominator equals a hospital's gross revenue from patient care as reported on Form E4, Line 1, Column E; (e) for instances where hospitals that have a single Medicaid identification number submit a separate ACH Cost Report for each individually licensed hospital, the ACH Cost Report data for those hospitals shall be consolidated to the single Medicaid identification number; (f) the GME-S Subsidy shall be calculated using the same methodology as the GME Subsidy is calculated in this act, except the total amount of the GME-S Subsidy payments shall not exceed \$24,000,000.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Graduate Medical Education (GME) is subject to the following condition: participating hospitals shall provide to residents and fellows participating in the GME program instruction concerning prevention of opioid addiction as well as diagnosis, assessment, and treatment strategies: provided, however, that such instruction may also be provided to other students and providers including, but not limited to, physicians, nurses, pharmacists, and social workers, working within the hospital or in the outpatient setting. To satisfy this condition, participating hospitals may develop an internal training program, enter into a partnership with a school or university, or provide financial support for residents and fellows to participate in independent educational programs or conferences that provide continuing medical education credits that are specifically focused in the subject area of addiction. To document compliance, participating hospitals shall complete a report to the Department of Health no later than May 31, 2022.

The amount hereinabove appropriated for Regional Coordinator Hospitals shall be distributed equally among the State's Regional Coordinator Hospitals as designated by the Commissioner of Health pursuant to Executive Directive No. 20-007 to support their actions in coordinating the State's health care response to COVID-19.

In order to permit flexibility in the handling of appropriations and ensure timely payments to hospitals, amounts may be transferred from the State, dedicated, and federal Quality Improvement Program-New Jersey (QIP-NJ) program accounts to the General Medical Services program classification in the Division of Medical Assistance and Health Services in the Department of Human Services, subject to the approval of the Director of the Division of Budget and Accounting.

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.

23 Mental Health and Addiction Services

DIRECT STATE SERVICES

15-4291 Patient Care and Health Services.....	\$287,757,000
99-4291 Administration and Support Services	<u>55,295,000</u>
Total Direct State Services Appropriation, Mental Health and Addiction Services.....	<u>\$343,052,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$317,213,000)
Materials and Supplies.....	(12,441,000)
Services Other Than Personal.....	(7,945,000)

Maintenance and Fixed Charges.....(3,783,000)

Special Purpose:

15 Interim Assistance.....(654,000)

Additions, Improvements and Equipment(1,016,000)

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. 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.

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.

Receipts to the General Fund from charges to residents' trust accounts for maintenance costs are appropriated for use as personal needs allowances for residents who have no other source of funds for these purposes; except that the total amount herein for these allowances shall not exceed \$450,000 and any increase in the maximum monthly allowance shall be approved by the Director of the Division of Budget and Accounting.

To effectuate the orderly consolidation or closure of a psychiatric hospital, amounts hereinabove appropriated for the State psychiatric hospitals may be transferred to accounts throughout the Department of Health 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 State psychiatric hospital, 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 to Greystone Psychiatric Hospital, such additional amounts as may be necessary are appropriated for the J.M., S.C., A.N. and P.T. et al. v. Elnahal, et al. settlement, subject to the approval of the Director of the Division of Budget and Accounting.

4299 Division of Behavioral Health Services

DIRECT STATE SERVICES

99-4299 Administration and Support Services \$5,555,000

Total Direct State Services Appropriation, Division of

Behavioral Health Services \$5,555,000

Direct State Services:

Personal Services:

Salaries and Wages(\$4,038,000)

Materials and Supplies.....(18,000)

Services Other Than Personal..... (299,000)

Maintenance and Fixed Charges..... (37,000)

Special Purpose:

99 Office of Long-Term Care Resiliency (1,100,000)

Additions, Improvements and Equipment (63,000)

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 Behavioral Health Services to offset the costs of performing the required reviews.

25 Health Administration

DIRECT STATE SERVICES

11-4297 Office of the Chief State Medical Examiner \$2,654,000

99-4210 Administration and Support Services 25,331,000

Total Direct State Services Appropriation, Health

Administration..... \$27,985,000

Direct State Services:

Personal Services:

Salaries and Wages (\$16,500,000)

Materials and Supplies..... (63,000)

Services Other Than Personal..... (319,000)

Maintenance and Fixed Charges..... (5,000)

Special Purpose:

11 State Medical Examiner Opioid Detection..... (1,200,000)

99 Office of Minority and Multicultural Health..... (1,462,000)

99 Centralized Analytics Hub (750,000)

99 Integrated Population Health Data Project..... (400,000)

99 Substance Use Disorder Health Information

Technology Interoperability Project..... (2,700,000)

99 Opioid Reduction Options Project (500,000)

99 Single License for Primary Care, Mental

Health Care and Substance Use Disorder Treatment..... (1,306,000)

99 Stillbirth Resource Center (2,500,000)

Additions, Improvements and Equipment (280,000)

Notwithstanding the provisions of any law or regulation to the contrary, from the amount hereinabove appropriated for Administration and Support Services, the Division of Public Health in the Department of Health, in collaboration with the Division of Consumer Affairs and the State Board of Medical Examiners and the New Jersey Board of Nursing, shall establish and publicize best practices, including funding mechanisms, for local boards of health to actively engage with local primary care physicians and nurses to address public health at the local level and further public health campaigns.

Department of Health, Total State Appropriation..... \$1,140,149,000

Notwithstanding the provisions of P.L.2005, c.237 or any other law or regulation to the contrary, \$32,000,000 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 NJ FamilyCare, 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.

In addition to the amounts hereinabove appropriated to the Office of the Chief 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.

Summary of Department of Health Appropriations

(For Display Purposes Only)

Appropriations by Category:

Direct State Services.....	\$421,335,000
Grants-in-Aid.....	718,814,000

Appropriations by Fund:

General Fund	\$1,139,633,000
Casino Revenue Fund.....	516,000

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

23 Mental Health and Addiction Services

7700 Division of Mental Health and Addiction Services

DIRECT STATE SERVICES

09-7700 Addiction Services	\$22,215,000
99-7700 Administration and Support Services	<u>14,763,000</u>
Total Direct State Services Appropriation, Division of Mental Health and Addiction Services.....	<u>\$36,978,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$12,518,000)
Materials and Supplies.....	(73,000)
Services Other Than Personal.....	(1,770,000)
Maintenance and Fixed Charges.....	(149,000)

Special Purpose:

09 Medication Assisted Treatment - Training for Medical Professionals	(850,000)
09 Reducing Opioid Rx in Hospital Emergency Rooms..	(188,000)
09 County Jail Medication Assisted Treatment Initiative	(5,400,000)
09 Interim Managing Entity Expansion	(1,181,000)
09 Information Technology Enhancements - Community Based Substance Use Disorder Providers.....	(425,000)
09 Addictions Public Awareness and Media Campaign	(1,000,000)
09 Substance Exposed Infants.....	(6,105,000)
09 Supportive Housing Subsidies	(3,291,000)

09 Recovery Housing.....(525,000)

09 Expansion of Opioid Recovery Pilot Program.....(3,250,000)

Additions, Improvements and Equipment(253,000)

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Expanded Addiction Initiatives shall be used to develop, support, and expand programs and services, including providing grants to entities providing such programs and services, that the Commissioner of Health, the Commissioner of Human Services, the Commissioner of Corrections, and the Commissioner of Children and Families determine to be most effective in directly addressing the Statewide public health crisis associated with substance use disorders, including opioid use disorder, subject to the approval of the Director of the Division of Budget and Accounting. Such programs and services may include, but shall not be limited to, efforts to improve access to community-based behavioral health care, develop the State's anti-addiction infrastructure, support enhanced integration of care, provide medication-assisted treatment to inmates prior to release as recommended by a physician, and address relevant social and economic factors; the amount appropriated may be expended or transferred.

There are appropriated from the Alcohol Education, Rehabilitation and Enforcement Fund such amounts 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 \$378,771,000

09-7700 Addiction Services 36,121,000

Total Grants-in-Aid Appropriation, Division of Mental

Health and Addiction Services \$414,892,000

Grants-in-Aid:

08 Community Care.....(\$339,341,000)

08 Univ. Behavioral Healthcare Centers -
Newark (Rutgers, the State University).....(6,251,000)

08 Univ. Behavioral Healthcare Centers -
Piscataway (Rutgers, the State University)(11,945,000)

08 Behavioral Health Rate Increase.....(17,984,000)

08 Mental Health Provider Safety Net.....(500,000)

08 Gun Violence and Suicide Prevention Grant(500,000)

08 Justice Involved Mental Health Pilot.....(2,000,000)

08 Monmouth Mental Health Association(250,000)

09 Substance Use Disorder Treatment
For DCP&P/Work-First Mothers(1,401,000)

09	Community Based Substance Use Disorder Treatment and Prevention – State Share.....	(27,777,000)
09	Medication Assisted Treatment Initiative	(5,416,000)
09	Compulsive Gambling	(634,000)
09	Mutual Agreement Parolee Rehabilitation Project for Substance Use Disorders.....	(893,000)

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.

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 \$4,000,000, subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed \$2,490,000 may be transferred from the Community Care 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.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of mental health and substance use disorder 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 Community Services and Addiction Services program classifications in the Division of Mental Health and Addiction Services, 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 during the conversion to a fee-for-service reimbursement structure, funds may be transferred from the Community Care account to the Division of Children’s System of Care in the Department of Children and Families to support mental health treatment programs for children, 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 Community Care, an amount not to exceed \$250,000, subject to the approval of the Director of the Division of Budget and Accounting, shall be allocated to support the Rabbinical College of America/Chabad of New Jersey mental health initiative to provide mental health training and workshops to promote mental health awareness.

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for Community Care, an amount not to exceed \$250,000, subject to the approval of the Director of the Division of Budget and Accounting, shall be allocated to Seton Hall University to support the Great Minds Dare to Care initiative to support a comprehensive and collaborative suicide prevention initiative and promote the reduction of stigma surrounding mental health.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of Drug Court claims, under the Addictions Services program, within the Direct State Services accounts, an amount not to exceed \$5,000,000 may be transferred from the Grants-In-Aid Behavioral Health Rate Increase appropriation to the Drug Court Treatment/Aftercare account, within the Division of Mental Health and Addiction 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 amount appropriated for Mental Health Provider Safety Net shall be paid to providers of mental health and substance use treatment programs that were previously sustained via deficit-funded contracts, are now operating under a fee-for-service reimbursement system, and that have demonstrated a good faith effort to bill Medicaid for all eligible services, subject to the approval of the Director of the Division of Budget and Accounting. Payments shall be pursuant to quarterly applications that itemize the gap between billable revenues in FY2022 and the cumulative quarterly value of the most recent deficit-funded contract.

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for Community Based Substance Use Disorder Treatment and Prevention-State Share account, an amount not to exceed \$3,000,000, subject to the approval of the Director of the Division of Budget and Accounting, shall be allocated to the New Bridge Medical Center for the provision of addiction services.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, the amounts hereinabove appropriated may be transferred from the Substance Use Disorder Treatment for DCP&P/Work-First Mothers, Community Based Substance Use Disorder Treatment and Prevention - State Share, Medication Assisted Treatment Initiative, and Mutual Agreement Parolee Rehabilitation Project for Substance Use Disorders accounts in the Division of Mental Health and Addiction Services to the various items of appropriation within the General Medical Services program classification in the Division of Medical Assistance and Health Services, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Substance Use Disorder Treatment for DCP&P/Work-First Mothers, Community Based Substance Use Disorder Treatment and Prevention - State Share, Medication Assisted Treatment Initiative, and

Mutual Agreement Parolee Rehabilitation Project for Substance Use Disorders are subject to the following condition: all providers of addiction services under these programs shall be required, not later than January 1, 2015, to enroll as NJ FamilyCare providers and to bill the State NJ FamilyCare program for all appropriate services provided to eligible beneficiaries who are covered under the Medicaid State Plan.

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 use disorder 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 an amount not to exceed \$1,000,000, subject to the approval of the Director of the Division of Budget and Accounting, to the Department of Human Services from the "Drug Enforcement and Demand Reduction Fund" for drug use disorder services.

In addition to the amount hereinabove appropriated for Community Based Substance Use Disorder Treatment and Prevention - State Share, there is appropriated an amount not to exceed \$1,500,000, subject to the approval of the Director of the Division of Budget and Accounting, 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 an amount not to exceed \$500,000, subject to the approval of the Director of the Division of Budget and Accounting, to the Department of Human Services from the "Drug Enforcement and Demand Reduction Fund" for the Sub-Acute Residential Detoxification Program.

Notwithstanding the provisions of any other law or regulation to the contrary, monies in the "Alcohol Treatment Programs Fund" established pursuant to section 2 of P.L.2001, c.48 (C.26:2B-9.2), and the amounts hereinabove appropriated for Community Based Substance Use Disorder 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.

In addition to the amount hereinabove appropriated for Community Based Substance Use Disorder Treatment and Prevention- State Share, an amount not to exceed

\$500,000 is appropriated to support a pilot Medication Assisted Treatment program to serve individuals reintegrating into society, subject to the approval of the Director of the Division of Budget and Accounting.

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.

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.

Of the amounts hereinabove appropriated for Community Based Substance Use Disorder Treatment and Prevention - State Share, an amount not to exceed \$7,902,000 may be transferred to the Division of Children's System of Care in the Department of Children and Families to support substance use disorder treatment programs as specified in the Memorandum of Agreement between the Department of Human Services and the Department of Children and Families, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, monies in the "Alcohol Treatment Programs Fund" established pursuant to section 2 of P.L.2001, c.48 (C.26:2B-9.2), not to exceed \$12,500,000, are 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.

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.

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 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 use disorders and for education purposes, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for the General Medical Services and the Community Services and Addictions Services program classifications within the Department of Human Services, are subject to the following condition: notwithstanding the provisions of any law or regulation to the contrary and subject to any required federal approval, the Commissioner of Human Services shall implement a new rate methodology as part of the ongoing fee-for-service conversion, which implementation may include, but need not be limited to, modifications to reimbursement levels, as well as contract and service modifications, with respect to mental health and substance use disorder services.

Of the amount hereinabove appropriated for Community Care, \$4,000,000 is allocated for the Psychiatry Residency Expansion Program and shall be made available by the Department of Human Services to existing accredited New Jersey psychiatry residency training programs that have maximized Medicare funding available for this purpose. Funding shall be available on a competitive basis for the sole purpose of supporting new four-year residency slots that supplement existing psychiatry resident training slots including those both publicly funded and those supported with non-governmental funds, within the limits of the available appropriation. Funded resident training shall include training in and the provision of services at standard reimbursement rates to uninsured and underinsured individuals served by the Department, including individuals with mental health and substance use disorders and individuals dually diagnosed with mental health conditions and intellectual and developmental disabilities.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Justice Involved Mental Health Pilot program

shall be made available to fund no less than two county-based pilot programs designed to serve clients with mental health conditions. Part of this amount shall be allocated to the Mental Health Association of Essex and Morris, Inc. to implement a pilot program in Morris County. The remaining amount shall be allocated to at least one other county-based pilot program in a county selected pursuant to a competitive process as determined by the Commissioner of the Department of Human Services, subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

08-7700 Community Services	<u>\$120,718,000</u>
(From Property Tax Relief Fund.....)	<u>\$120,718,000)</u>
Total State Aid Appropriation, Division of Mental Health and Addiction Services.....	<u>\$120,718,000</u>
(From Property Tax Relief Fund	<u>\$120,718,000)</u>

State Aid:

08 Support of Patients in County Psychiatric Hospitals (PTRF).....	(\$120,718,000)
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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 percent of the rate established by the Commissioner of Human Services, in consultation with the Commissioner of Health, for the period July 1 to December 31 and at the rate of 45 percent of the rate established by the Commissioner of Human Services, in consultation with the Commissioner of Health, 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 percent 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 percent 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 in consultation with the Commissioner of Health. 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 percent 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 amounts 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 NJ FamilyCare program; (2) complete or pursue in good faith the completion of eligibility applications for patients who could be NJ FamilyCare eligible; (3) bill the NJ FamilyCare program for all applicable services; and (4) neither admit nor discharge patients based upon NJ FamilyCare 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 Hospital 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, in consultation with the Commissioner of Health, shall set: (1) 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, (2) 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"), and (3) 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.

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 percent of the total per capita costs for the reasonable cost of maintenance and clothing of county patients in State psychiatric facilities.

24 Special Health Services

7540 Division of Medical Assistance and Health Services

DIRECT STATE SERVICES

21-7540 Health Services Administration and Management	<u>\$49,601,000</u>
Total Direct State Services Appropriation, Division of	
Medical Assistance and Health Services	<u>\$49,601,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$12,959,000)
Materials and Supplies.....	(109,000)
Services Other Than Personal.....	(8,089,000)
Maintenance and Fixed Charges.....	(63,000)

Special Purpose:

21 Episodes of Care - P.L.2019, c.86.....	(2,000,000)
21 Payments to Fiscal Agents	(25,901,000)
21 Professional Standards Review Organization –	
Utilization Review.....	(301,000)
21 Drug Utilization Review Board –	
Administrative Costs	(10,000)

Additions, Improvements and Equipment (169,000)

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 NJ FamilyCare 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.

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.

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.

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 revenues received from health maintenance organizations shall be deposited into the General Fund.

From the amounts hereinabove appropriated for Services Other Than Personal, there are appropriated such sums as are necessary for the department to contract for a comprehensive evaluation of the existing Medicaid-managed care contract and relevant Medicaid program regulations, which shall recommend opportunities to improve MCO performance and compliance.

Of the amounts hereinabove appropriated for Services Other Than Personal, an amount not to exceed \$2,250,000, subject to the approval of the Director of the Division of Budget and Accounting, is allocated for support of New Jersey's Regional Health Hubs to effectuate P.L.2019, c.517 (C.30:4D-8.16 et seq.). Payments to an individual Regional Health Hub (Hub) from this line item shall not exceed \$1,125,000 in State and matching federal funds per Hub. Consistent with P.L.2019, c.517 (C.30:4D-8.16 et seq.), a Regional Health Hub shall not receive funding until the Regional Health Hub has submitted an annual proposal. A portion of such funding shall be contingent on the Regional Health Hub's achievement of deliverables and performance metrics, as specified in the Regional Health Hub's approved proposal. In addition to funding appropriated here, State Departments shall have the discretion to support a Regional Health Hub's innovation projects that advance Medicaid priorities using other available dollars and may direct such dollars independently of the Department of Human Services.

The unexpended balances at the end of the preceding fiscal year, in the Payments to Fiscal Agents account are appropriated for the same purpose.

GRANTS-IN-AID

22-7540 General Medical Services.....	<u>\$4,759,703,000</u>
(From General Fund.....)	<u>\$4,755,703,000)</u>

<i>(From Property Tax Relief Fund.....</i>	<i>4,000,000)</i>
Total Grants-in-Aid Appropriation, Division of Medical Assistance and Health Services	<u>\$4,759,703,000</u>
<i>(From General Fund.....</i>	<i>\$4,755,703,000)</i>
<i>(From Property Tax Relief Fund.....</i>	<i>4,000,000)</i>

Grants-in-Aid:

22 Medical Coverage – Aged, Blind and Disabled.....	(\$1,371,725,000)
22 Medical Coverage – Community-Based Long Term Care Recipients.....	(1,131,024,000)
22 Medical Coverage – Nursing Home Residents	(393,374,000)
22 Medical Coverage – Title XIX Parents and Children.....	(577,765,000)
22 Medical Coverage – ACA Expansion Population.....	(520,196,000)
22 Medicare Parts A and B	(226,507,000)
22 Medicare Part D	(490,615,000)
22 Eligibility and Enrollment Services	(22,087,000)
22 Eligibility and Enrollment Services (PTRF) ...	(4,000,000)
22 Provider Settlements and Adjustments	(22,410,000)

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 accounts within the General Medical Services program classification in the Division of Medical Assistance and Health 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, the amounts hereinabove appropriated in the General Medical Services program classification are subject to the following conditions: in order to promote accuracy, efficiency and accountability in the third party liability (TPL) program, the Division of Medical Assistance and Health Services shall require that 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 and any entity writing health, casualty, workers' compensation, or malpractice insurance policies in the State or covering residents of this State, enter into an agreement with the Division or the State's authorized third party liability services contractor, or both, as determined by the Commissioner of Human Services, to permit and assist, no less frequently than on a twice monthly basis, the matching of the Medicaid/NJ FamilyCare, Charity Care, and Work First New Jersey General Public Assistance eligibility files and adjudicated claims files against that third party's full and complete eligibility file, including indication of coverage derived from

the “Medicare Prescription Drug, Improvement, and Modernization Act of 2003,” Pub.L.108-173, and adjudicated claims file for the purpose of coordination of benefits and recovery when appropriate, utilizing, if necessary, social security numbers as common identifiers and other personal identifying information consistent with federal and State law. Provided further that the Division also shall require that third party must respond within a reasonable period not to exceed 60 calendar days to an inquiry by the State regarding a claim for payment for any health care item or service that is submitted less than three years after the date of the provision of such health care item or service; failure to pay or deny a claim within a reasonable period after receipt of the claim shall create an uncontestable obligation to pay the claim and payments made by a third party to the State shall be considered final two years after payment is made; provided further that a third party shall agree not to deny a claim submitted by the State solely on the basis of the date of submission of the claim, the type or format of the claim form, a failure to obtain prior authorization, or a failure to present proper documentation at the point-of-sale that is the basis of the claim, if both of the following apply: the claim is submitted by the State within the three-year period beginning on the date on which the item or service was furnished; and any action by the State to enforce its rights with respect to the claim is commenced within six years of the State's submission of the claim.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated in the General Medical Services program classification are subject to the following conditions: the base payment rate per medical encounter, as described in N.J.A.C.10:66-4.1, for a federally qualified health center (FQHC) shall be equal to 100 percent of the Medicare FQHC prospective payment system base rate, as adjusted according to the geographic location of the FQHC, plus an add-on payment of \$19.35.

The amounts hereinabove appropriated within the General Medical Services program classification are subject to the following provisions: the Commissioner of Human Services shall apply the emergency room triage reimbursement fee of \$140, established pursuant to P.L.2018, c.51 (C.30:4D-7p et seq.), for any applicable claim submitted for a patient enrolled in the State Medicaid program.

Notwithstanding the provisions of paragraph (13) of subsection i. of section 3 of P.L.1968, c.413 (C.30:4D-3) or any other law or regulation to the contrary, and subject to federal approval, a pregnant woman whose family income does not exceed the highest income eligibility level for pregnant women established under the State plan under Title XIX of the federal Social Security Act shall continue to be eligible for coverage until the end of the 365-day period beginning on the last day of her pregnancy.

Notwithstanding the provisions of subparagraph (8) of subsection i. of section 3 of P.L.1968, c.413 (C.30:4D-3) and subparagraphs (3), (4), and (5) of subsection g. of section 6 of P.L.1968, c.413 (C.30:4D-6), or any other law or regulation to the contrary, the amounts hereinabove appropriated in the General Medical Services

program classification are subject to the following conditions: in order to encourage home and community services as an alternative to nursing home placement, consistent with the federally approved Section 1115 Medicaid demonstration waiver and any approved amendments thereto, the Commissioner of Human Services is authorized to adjust financial eligibility and other requirements and services for medically needy eligibility groups and the Managed Long Term Services and Supports population, subject to the approval of the Director of the Division of Budget and Accounting and subject to any other required federal approval.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated in the General Medical Services program classification are subject to the following condition: effective January 1, 2015, the Commissioner of Human Services is authorized to provide any or all types and levels of services that are provided through the Medicaid State Plan's Alternative Benefit Plan to any or all of the types of qualified applicants described in subparagraphs (1), (2), (4), (6), (7), (9), (10), (11), (12), (13), (16(a)), (17), (18), and (19) of subsection i. of section 3 of P.L.1968, c.413 (C.30:4D-3), subject to the approval of the Director of the Division of Budget and Accounting and subject to any required federal approval.

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 NJ FamilyCare 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.

Notwithstanding the provisions of any law or regulation to the contrary and subject to any required federal approval, the amounts appropriated for the General Medical Services program classification are subject to the following condition: premiums shall not be required to be collected from families enrolled in the NJ FamilyCare program established pursuant to P.L.2005, c.156 (C.30:4J-8 et al.), as amended.

Notwithstanding the provisions of subsection f. of section 5 of P.L.2015, c.154 (C.30:4J-12) or any other law or regulation to the contrary and subject to any required federal approval, the amounts appropriated for the General Medical Services program classification are subject to the following condition: disenrollment from employer-sponsored group or other health insurance coverage shall not cause a child or parent to be ineligible to enroll in the NJ FamilyCare program established pursuant to P.L.2005, c.156 (C.30:4J-8 et al.), as amended.

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 percent of the gross recovery.

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, pregnant women, single adults or couples without dependent children, and parents and caretaker relatives in the NJ FamilyCare program, as established pursuant to P.L.2005, c.156 (C.30:4J-8 et al.).

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.

Notwithstanding the provisions of any law or regulation to the contrary, a sufficient portion of receipts generated or savings realized in Medical Assistance Grants-In-Aid accounts from initiatives may be transferred to the Health Services Administration and Management accounts to fund costs incurred in realizing these additional receipts or savings, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, and subject to federal approval, of the amounts appropriated in the General Medical Services program classification, the Commissioner of Human Services is authorized to develop and introduce optional service plan innovations to enhance client choice for users of NJ FamilyCare optional services, while containing expenditures.

The appropriations within the General Medical Services program classification are subject to the following conditions: the Division of Medical Assistance and Health Services, in coordination with the county welfare agencies, shall continue a program to outstation eligibility workers in disproportionate share hospitals and federally qualified health centers, provided, however, that if an alternate eligibility function at an outstanding location complies with the outstation process at 42 U.S.C. s.1396a(a)(55), the county welfare agency worker may be removed from the outstation location.

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.

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," Pub.L.109-171.

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 classification from which the recovery originated.

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.

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.

The amounts hereinabove appropriated for the General Medical Services program classification are available for the payment of obligations applicable to prior fiscal years.

Notwithstanding the provisions of any law or regulation to the contrary, and subject to the notice provisions of 42 C.F.R. s.447.205, of the amount hereinabove appropriated for the General Medical Services program classification, personal care assistant services shall be authorized prior to the beginning of services by the Director of the Division of Disability Services. The hourly rate for personal care services shall be \$22.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for the General Medical Services program classification are subject to the following conditions: as of January 1, 2014 or on such date established by the federal government for the Health Insurance Marketplace 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 percent of the poverty level; (ii) have no health insurance, as determined by the Commissioner of Human Services; (iii) are ineligible for NJ FamilyCare, 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, the amounts hereinabove appropriated for the General Medical Services program classification 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, an inpatient psychiatric program for children under the age of 21, or a residential facility including facilities characterized by the federal government as ICFs/MR, except that individuals who are eligible through the Division of Child

Protection and Permanency (DCP&P) and are placed in a DCP&P non-Joint Commission on Accreditation of Healthcare Organizations 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; (4) individuals in the Program of All-Inclusive Care for the Elderly program; and (5) Medically Needy segment of the NJ FamilyCare.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for the General Medical Services program classification are subject to the following condition: Non-contracted hospitals providing emergency services to NJ FamilyCare members enrolled in the managed care program shall accept as payment in full 90 percent of the amounts that the non-contracted hospital would receive from NJ FamilyCare for the emergency services and/or any related hospitalization if the beneficiary were enrolled in NJ FamilyCare fee-for-service.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for the General Medical Services program classification are subject to the following condition: Effective July 1, 2011, the following services, which were previously covered by NJ FamilyCare 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.

Of the revenues received as a result of sanctions to health maintenance organizations participating in NJ FamilyCare managed care, an amount not to exceed \$500,000 is appropriated to the General Medical Services program classification or NJ Kid-Care - 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, the amounts hereinabove appropriated for the General Medical Services program classification 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, if such restriction does not substantially impair access to services.

In addition to the amounts hereinabove appropriated for the General Medical Services program classification, there are appropriated such amounts as may be necessary 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, effective at the beginning of the current fiscal year and subject to federal approval, of the

amounts hereinabove appropriated for the General Medical Services program classification, 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 for the General Medical Services program classification, 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 General Medical Services program classification, subject to the approval of the Director of the Division of Budget and Accounting.

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, all financial recoveries obtained through the efforts of any entity authorized to undertake the prevention and detection of NJ FamilyCare fraud, waste, and abuse are appropriated to General Medical Services program classification in the Division of Medical Assistance and Health Services.

Notwithstanding the provisions of any law or regulation to the contrary and subject to notice provisions of 42 C.F.R. s.447.205 where applicable, the amount hereinabove appropriated for fee-for-service prescription drugs in the General Medical Services program classification is subject to the following conditions: the maximum allowable cost for legend and non-legend drugs shall be calculated based on Actual Acquisition Cost (AAC) defined as the lowest of: (i) the National Average Drug Acquisition Cost (NADAC) Retail Price Survey, in accordance with subsection (f) of section 1927 of the Social Security Act; (ii) Wholesale Acquisition Cost (WAC) less a volume discount of two percent in the absence of a NADAC price; (iii) the federal upper limit; (iv) the State upper limit (SUL); (v) cost acquisition data submitted by providers of pharmaceutical services for brand-name multi-source and multi-source drugs in the absence of any alternative pricing benchmarks. For legend and non-legend drugs purchased through the 340B program, the maximum allowable cost shall be based on the 340B ceiling price. In the absence of a 340B ceiling price, the alternative benchmark used shall be the WAC minus a volume discount of 25 percent. The 340B ceiling price or the alternative benchmark shall only apply when its price is the lowest compared to the pricing formulas described by (i) through (v) above. Reimbursement for covered outpa-

tient drugs shall be calculated based on: (i) the lower of the AAC plus a professional fee of \$10.92; or a provider's usual and customary charge; or (ii) the lower of cost acquisition data submitted by providers of pharmaceutical services for brand-name multi-source and multi-source drugs, where an alternative pricing benchmark is not available, plus a professional fee of \$10.92; or a provider's usual and customary charge; or (iii) for COVID-19 vaccinations, an administration fee(s) equivalent to the Medicare rate(s) 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, the Department of Human Services shall mandate ongoing submission of current drug acquisition data by providers of pharmaceutical services and no funds hereinabove appropriated shall be paid to any entity that fails to submit required data. Reimbursement for covered outpatient drugs dispensed to beneficiaries residing in long-term-care facilities shall be calculated based on: (i) the lower of the AAC plus a professional fee of \$10.92; or a provider's usual and customary charge; or (ii) the lower of cost acquisition data submitted by providers of pharmaceutical services for brand-name multi-source and multi-source drugs, where an alternative pricing benchmark is not available, plus a professional fee of \$10.92; 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, the Department of Human Services shall mandate ongoing submission of current drug acquisition data by providers of pharmaceutical services and 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, the appropriations for the General Medical Services program classification 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, no funds hereinabove appropriated for the General Medical Services program classification are available to any pharmacy that does not agree to allow NJ FamilyCare 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, of the amount hereinabove appropriated to the General Medical Services program classification, 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 C.F.R. s.447.205, approved nutritional supplements which are hereinabove appropriated in the General Medical Services program classification shall be consistent with reimbursement for legend and non-legend drugs.

Notwithstanding the provisions of any law or regulation to the contrary, the hereinabove appropriation for the General Medical Services program classification 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 percent finished.

Of the amount hereinabove appropriated for the General Medical Services program classification, 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 NJ FamilyCare clients are appropriated for the General Medical Services program classification.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the General Medical Services program classification 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 amount hereinabove appropriated for the General Medical Services program classification is subject to the following condition: payment is authorized 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.

The amount hereinabove appropriated for the General Medical Services program classification is subject to the following condition: payment is authorized for contraceptives for individuals who can become pregnant and would be eligible for medical assistance if not for the provisions of 8 U.S.C. s.1611 or 8 U.S.C. s.1612, and who are not otherwise eligible for any other State or federal health insurance program.

Notwithstanding the provisions of any law or regulation to the contrary, the appropriations for the General Medical Services program classification shall be conditioned upon the following provision: reimbursement for the cost of physician administered drugs shall not exceed the lower of the Wholesale Acquisition Cost for the drugs administered in a practitioner's office less a volume discount of one percent or the practitioner's usual and customary charge.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts expended from the General Medical Services program classification shall be con-

ditioned upon the following: reimbursement for adult incontinence briefs and oxygen concentrators shall be set at 70 percent of reasonable and customary charges. Notwithstanding the provisions of subsection (a) of N.J.A.C.10:60-5.7 and subsection (b) of N.J.A.C.10:60-11.2 to the contrary, the amount hereinabove appropriated for the General Medical Services program classification is conditioned upon the following: the minimum hourly fee-for-service and managed care reimbursement rates for Early and Periodic Screening, Diagnosis and Treatment/Private Duty Nursing services shall be \$60 per hour for registered nurses and \$48 for licensed practical nurses.

The amount hereinabove appropriated for the General Medical Services program classification is subject to the following condition: payment is authorized 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.

Notwithstanding the provisions of any law or regulation to the contrary, effective July 1, 2009, no payments for partial care services in mental health clinics, as hereinabove appropriated in the General Medical Services program classification shall be provided unless the services are prior authorized by professional staff designated by the Department of Human Services.

The amount hereinabove appropriated for the General Medical Services program classification 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), 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 percent of the recovery or \$15,000, 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.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for the General Medical Services program classification are subject to the following condition: the Commissioner of Human Services is authorized to implement a pilot program, effective on or after January 1, 2015, to remove the NJ FamilyCare eligibility determination and redetermination process from one or more county welfare agencies, as determined by the Commissioner of Human Services, subject to any required federal approval.

Of the amount hereinabove appropriated in the General Medical Services program classification, there shall be transferred to various accounts, including Direct State Services and State Aid accounts, such amounts, not to exceed \$6,500,000, as are necessary to pay for the administrative costs of the 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, State funding for the New Jersey Health ACCESS program shall cease, and all enrollment shall be terminated as of July 1, 2001, or at such later date as shall be established by the Commissioner of Human Services.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated to the General Medical Services program classification 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 percent 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.

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 amounts hereinabove appropriated for NJ FamilyCare are subject to the following condition: the Department of Human Services may determine eligibility for the NJ FamilyCare program 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.

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.

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 General Medical Services program classification, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for the General Medical Services program classification are available for the payment of obligations applicable to prior fiscal years.

Notwithstanding the provisions of any law or regulation to the contrary, payments from appropriations hereinabove in the General Medical Services program classification for special hospital prospective per diem reimbursements for Medicaid

fee-for-service recipients are subject to the following condition: subject to the approval of any required State plan amendment by the federal Centers for Medicare and Medicaid Services, special hospitals licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) with more than 60 but less than 102 special beds shall be reimbursed at a prospective per diem rate for Medicaid fee-for-service recipients established by the Division of Medical Assistance and Health Services. The base year prospective per diem rate shall be equal to the per diem rate in effect and paid on June 30, 2015 and shall be updated by the economic factor specified in N.J.A.C. 10:52-5.13. Provided however, in the event that the number of licensed beds decreases by 20 percent or more, the prospective per diem rate may be renegotiated. Any Medicaid cost reports not final settled for Medicaid fee-for-service reimbursement prior to July 1, 2016 shall be prospectively settled based on the per diem rate in effect and paid on June 30, 2015, adjusted to deflate to the applicable cost report year.

Of the amounts hereinabove appropriated for General Medical Services, effective January 1, 2018 such sums as are necessary shall be made available to reimburse medical professionals for advance care planning visits consistent with current Medicare reimbursement policy.

Notwithstanding the provisions of any law or regulation to the contrary, in order to ensure compliance with 42 C.F.R. 433.138(d)(4)(i) and (ii) and 42 C.F.R. 433.138(g) (2) and (3), the New Jersey Motor Vehicle Commission and the New Jersey Division of Workers' Compensation shall make their records available to the Division of Medical Assistance and Health Services or the State's authorized third party liability services contractor for the purpose of matching no less frequently than on a monthly basis with the Division of Medical Assistance and Health Services' records in order to identify current or former Medicaid/NJ FamilyCare beneficiaries who have recovered or may recover payments from 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), for the purpose of coordination of benefits and recovery when appropriate, utilizing, if necessary, personal identifying information as common identifiers consistent with federal law.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the General Medical Services program classification is subject to the following condition: amounts received by the State from a Class II facility with greater than 500 licensed beds pursuant to an intergovernmental transfer agreement are appropriated to serve as the non-federal share of supplemental Medicaid reimbursements, subject to federal approval, and 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 Medical Coverage - Aged, Blind and Disabled account is appropriated for the same purpose.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated to the General Medical Services program classification are subject to the following condition: assisted living facilities, comprehensive personal care homes, and assisted living programs, shall receive a per diem rate of

no less than \$87, \$77, and \$67, respectively, as reimbursement for each NJ FamilyCare beneficiary under their care.

Subject to federal approval, the appropriations for those programs within the General Medical Services program classification are conditioned upon the Department of Human Services implementing policies that would limit the ability of individuals who have the financial ability to provide for their own long-term care needs to manipulate current NJ FamilyCare rules to avoid payment for that care. The Division of Medical Assistance and Health Services shall require, in the case of a married individual requiring long-term care services, that the portion of the couple's resources which are not protected for the needs of the community spouse be used solely for the purchase of long-term care services.

Notwithstanding the provisions of any law or regulation to the contrary, no payment for NJ FamilyCare adult or pediatric medical day care services, as hereinabove appropriated in the General Medical Services program classification, 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 within the General Medical Services program classification for medical day care services shall be conditioned upon the following provision: the minimum fee-for-service and managed care per diem reimbursement rates for adult medical day care providers shall be \$86.10.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated within the General Medical Services program classification 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 within the General Medical Services program classification for medical day care services shall be conditioned on the following provision: effective August 15, 2010, no payments for NJ FamilyCare 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 chapter 166 of Title 10 of the New Jersey Administrative Code or any other law or regulation to the contrary, the amounts hereinabove appropriated within the General Medical Services program classification for medical day care services shall be subject to the following condition: the daily reimbursement for fee-for-service pediatric medical day care services shall remain at the rate established in the preceding fiscal year.

Notwithstanding the provisions of chapter 85 of Title 8 of the New Jersey Administrative Code or any other law or regulation to the contrary, and subject to any

required federal approval, the amounts hereinabove appropriated within the General Medical Services program classification are subject to the following conditions: (1) Class I (private), Class II (county), and Class III (special care) nursing facilities being paid on a fee-for-service basis shall be reimbursed at a per diem rate no less than the rate received on June 30, 2020, plus ten percent, minus the first provider tax add-on and any performance add-on amounts; (2) nursing facilities that are being paid by a Managed Care Organization (MCO) for custodial care through a provider contract that includes a negotiated rate shall receive that negotiated rate; (3) any Class I and Class III nursing facility that is being paid by an MCO for custodial care through a provider contract but has not yet negotiated a rate shall receive the equivalent fee-for-service per diem reimbursement rate as it received on June 30, 2020, plus ten percent minus the first provider tax add-on and any performance add-on amounts, and any Class II nursing facility that is being paid by an MCO for custodial care through a provider contract but has not yet negotiated a rate shall receive the equivalent fee-for-service per diem reimbursement rate as it received on June 30, 2020, plus 10 percent, minus any performance add-on amounts, had it been a Class I nursing facility; (4) monies designated pursuant to subsection c. of section 6 of P.L.2003, c.105 (C.26:2H-97) for distribution to nursing facilities, 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) and less the actual amounts expended during fiscal year 2021 on performance add-ons and expenditures to establish a minimum per diem of \$188.35, shall be combined with amounts hereinabove appropriated for the General Medical Services program classification for the purpose of calculating NJ FamilyCare reimbursements for nursing facilities; (5) for the purposes of this paragraph, a nursing facility's per diem reimbursement rate or negotiated 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, which difference shall be payable as an allowable cost pursuant to subsection d. of section 6 of P.L.2003, c.105 (C.26:2H-97); (6) the add-ons used for fiscal year 2021 shall be applied from July 1, 2021, through September 30, 2021 and the first add-on as calculated in section 4 above shall be applied to both MCO and fee-for-service per diem reimbursement rates effective October 1, 2021; (7) each Class I, Class II, and Class III nursing facility that has, not later than November 17, 2020, submitted to the Department of Human Services (DHS) the DHS Fiscal Year 2022 CoreQ Long-Stay Survey Size Calculation Grid with affirmative answers, as defined by the Department, to validated Hospital Utilization Tracking system use, CoreQ vendor intent, and completion of the CoreQ Long-Stay Survey sample size calculation and, if eligible for CoreQ, not later than November 27, 2020, submitted demographics to the CoreQ vendor to initiate the CoreQ survey process, (a) shall receive a performance add-on of \$.60 for each of the following CMS nursing home long stay quality measures where the nursing facility has not failed to report data for any of the reporting periods Q1 2019, Q2 2019, Q3 2019 and Q4 2019, and the simple average of the quarters, as

calculated by the Department with available data, is at or below the national average, as calculated by CMS, for the percentage of long stay residents who are: physically restrained, receiving antipsychotic medication, experiencing one or more falls with major injury, and high risk residents with a pressure ulcer, (b) shall receive a performance add-on of \$0.60 if the percentage of long-stay residents who are assessed and/or given, appropriately, the influenza vaccination is at or above the national average for the 2019 CMS reporting year, and (c) shall receive a performance add-on of \$0.60 if the nursing facility has been deemed eligible to participate in the CoreQ survey process as determined by the Department and received a composite score of 75 percent or greater on the CoreQ Resident and Family Experience Survey for the fiscal year 2022 survey period; (8) each nursing facility shall use no less than sixty percent of the ten percent rate adjustment provided under section 1 above for the sole purpose of maintaining or increasing wages of staff providing direct care and, to ensure compliance, shall provide wage and cost data in a manner and form prescribed by the Commissioner of the Department of Human Services and shall return any of the sixty percent amount not used for this purpose; (9) each nursing facility shall use the remainder of the ten percent rate adjustment provided under section 1 above for the sole purpose of COVID-19 infection control preparedness and response and shall return twenty percent of the ten percent increase if the nursing facility is cited by the Department of Health for two or more repeat infection control violations during the fiscal year; and (10) each nursing facility shall receive a per diem adjustment that shall be calculated based upon an additional \$15,000,000 in State and \$15,000,000 in federal appropriations.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for the General Medical Services program classification are subject to the following condition: nursing facilities shall not receive payments for bed hold or therapeutic leave days for NJ FamilyCare beneficiaries, provided that nursing facilities shall continue to reserve beds for NJ FamilyCare 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, as a condition of receipt of any NJ FamilyCare 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.

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.), subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of N.J.A.C.10:49-7.1 et seq. or any other law or regulation to the contrary, and subject to approval by the federal government, the amounts hereinabove appropriated for General Medical Services program classification are subject to the following condition: the Division of Medical Assistance and Health Services shall increase reimbursement for ambulance services, including basic life support emergency and nonemergency ambulance services and specialty care transport services, provided to Medicaid and Medicaid fee for service recipients who are also Medicare eligible to the applicable Medicare rate.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for the General Medical Services program classification are subject to the following condition: the Division of Medical Assistance and Health Services shall enroll, under standard procedures, and reimburse, for qualified services, any midwife licensed or certified to practice by the State Board of Medical Examiners pursuant to N.J.S.A.45:10-1 et seq.

Notwithstanding the provisions of any law or regulation to the contrary and subject to any required federal approval, from the amounts hereinabove appropriated in the General Medical Services program classification, payment may be made for services provided as part of the Integrated Care for Kids model for beneficiaries residing in Monmouth and Ocean counties.

Notwithstanding the provisions of any law or regulation to the contrary, of the amounts appropriated hereinabove to support the State share of Medicaid home and community based long term care services (HCBS), an amount not to exceed ten percent of the total enhanced federal matching rate provided for such services pursuant to the American Rescue Plan, subject to the approval of the Director of the Division of Budget and Accounting, is appropriated to implement program and rate adjustments that enhance, expand, or strengthen Medicaid HCBS services, as required by federal law; provided, however, that such program and rate changes shall be determined by the Commissioner of the Department of Human Services, subject to the approval of the Director of the Division of Budget and Accounting, and shall be consistent with Initial and Quarterly HCBS Spending Plans as submitted to the Centers for Medicare and Medicaid Services and required by the American Rescue Plan (Pub. L. 117-2) and federal regulation.

26 Division of Aging Services

DIRECT STATE SERVICES

20-7530 Medical Services for the Aged	\$2,676,000
24-7530 Pharmaceutical Assistance to the Aged and Disabled.....	4,769,000
55-7530 Programs for the Aged	1,330,000
(From General Fund.....	\$459,000)
(From Casino Revenue Fund.....	871,000)
57-7530 Office of the Public Guardian	<u>1,199,000</u>
Total Direct State Services Appropriation, Division of	
Aging Services	<u>\$9,974,000</u>
(From General Fund.....	\$9,103,000)

(From Casino Revenue Fund 871,000)

Direct State Services:

Personal Services:

Salaries and Wages (\$6,640,000)
 Salaries and Wages (CRF) (796,000)
 Materials and Supplies (137,000)
 Materials and Supplies (CRF) (14,000)
 Services Other Than Personal (1,715,000)
 Services Other Than Personal (CRF) (47,000)
 Maintenance and Fixed Charges (372,000)
 Maintenance and Fixed Charges (CRF) (2,000)

Special Purpose:

55 Federal Programs for the Aged (139,000)
 55 NJ Elder Index (100,000)

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 percent of the gross recovery.

Receipts from the Office of the Public Guardian for Elderly Adults are appropriated to the Office of the Public Guardian.

GRANTS-IN-AID

24-7530 Pharmaceutical Assistance to the Aged and Disabled \$50,228,000

(From General Fund \$45,139,000)

(From Casino Revenue Fund 5,089,000)

55-7530 Programs for the Aged 48,772,000

(From General Fund 32,938,000)

(From Casino Revenue Fund 15,834,000)

Total Grants-in-Aid Appropriation, Division of Aging

Services \$99,000,000

(From General Fund \$78,077,000)

(From Casino Revenue Fund 20,923,000)

Grants-in-Aid:

24 Pharmaceutical Assistance to the Aged – Claims (\$817,000)

24 Pharmaceutical Assistance to the Aged
 and Disabled - Claims (38,545,000)

24 Pharmaceutical Assistance to the Aged
 and Disabled - Claims (CRF) (5,089,000)

24 Senior Gold Prescription Discount Program (5,752,000)

24 Caregiver Volunteers of Central Jersey, Freehold (25,000)

24 Holocaust Survivor Assistance Program, Samost
 Jewish Family and Children's Services
 Southern NJ (400,000)

55 Community Based Senior Programs	(32,488,000)
55 Community Based Senior Programs (CRF).....	(15,834,000)
55 Age Friendly Initiative.....	(50,000)

Notwithstanding the provisions of any law to the contrary, amounts hereinabove appropriated for Aging and Disability Resource Connections (ADRC) shall be conditioned upon the following: federal matching funds derived from ADRC or Area Agencies on Aging Medicaid costs, pursuant to an approved cost allocation plan, shall be disbursed to counties solely for the expansion of long-term care services and supports for older adults and individuals seeking home and community based services.

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, 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," Pub.L.108-173, 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 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, the amount hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled 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.

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 classification 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.

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.

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 Actual Acquisition Cost (AAC) defined as the lowest of (i) the National Average Drug Acquisition Cost (NADAC) Retail Price Survey, developed in accordance with subsection (f) of section 1927 of the Social Security Act; (ii) Wholesale Acquisition Cost less a volume discount, in the absence of a NADAC price, that is consistent with the NJ FamilyCare Program; (iii) the federal upper limit ; or (iv) the State upper limit (SUL); and (v) cost acquisition data submitted by providers of pharmaceutical services for brand-name multi-source drugs and multi-source drugs in the absence of any alternative pricing benchmarks; (2) pharmacy reimbursement for legend and non-legend drugs shall be calculated based on (i) the lower of the AAC plus a professional fee, that is consistent with the NJ FamilyCare Program; or a provider's usual and customary charge; or (ii) the lower of cost acquisition data submitted by providers of pharmaceutical services for brand-name multi-source and multi-source drugs, where an alternative pricing benchmark is not available, plus a professional fee that is consistent with the NJ FamilyCare Program; 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, 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, 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 Programs. 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 such additional amounts from the General Fund and available federal matching funds 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 participation of the beneficiary, subject to the approval of the Commissioner of Human Services and the Director of the Division of Budget and Accounting.

Consistent with the requirements of the federal “Medicare Prescription Drug, Improvement, and Modernization Act of 2003,” Pub.L.108-173, and the current federal prohibition against State automatic enrollment of Pharmaceutical Assistance to the Aged and Pharmaceutical Assistance to the Aged and Disabled (PAAD) programs 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 percent 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 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.

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”, Pub.L.108-173, to appeal the medical necessity of coverage for drugs not on the formulary of a Medicare Part D plan.

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.), the Senior Gold Prescription Discount Program, P.L.2001, c.96 (C.30:4D-43 et seq.), and Community Based Senior Programs are available for the payment of obligations applicable to prior fiscal years.

From the amount hereinabove appropriated for the Pharmaceutical Assistance to the Aged - Claims and Senior Gold Prescription Discount Program, an amount not to

exceed \$2,850,000 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, no funds appropriated in the 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 the 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.

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.

In order to permit flexibility in implementing ElderCare Initiatives hereinabove appropriated as part of Community Based Senior Programs, 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 addition to the amount hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled program, there are appropriated such additional amounts as may be required from the Casino Revenue Fund and available federal matching funds 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, a sufficient portion of receipts generated or savings realized in the Casino Revenue Fund 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," Pub.L.108-173, 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 Human 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," Pub.L.108-173, 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 percent 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," Pub.L.108-173, 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 vita-

mins, 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 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 Actual Acquisition Cost (AAC) defined as the lowest of (i) the National Average Drug Acquisition Cost (NADAC) Retail Price Survey, developed in accordance with subsection (f) of section 1927 of the Social Security Act; (ii) Wholesale Acquisition Cost less a volume discount, in the absence of a NADAC price, that is consistent with the NJ FamilyCare Program; (iii) the federal upper limit; or (iv) the State upper limit (SUL); and (v) cost acquisition data submitted by providers of pharmaceutical services for brand-name multi-source drugs and multi-source drugs in the absence of any alternative pricing benchmarks; (2) pharmacy reimbursement for legend and non-legend drugs shall be calculated based on (i) the lower of the AAC plus a professional fee, that is consistent with the NJ FamilyCare Program; or a provider's usual and customary charge; or (ii) the lower of cost acquisition data submitted by providers of pharmaceutical services for brand-name multi-source and multi-source drugs, where an alternative pricing benchmark is not available, plus a professional fee that is consistent with the NJ FamilyCare Program; 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, 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.

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 classification from which the recovery originated.

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for the Community Based Senior Programs (CRF) account, \$172,000 shall be charged to the Casino Simulcasting Fund.

STATE AID

55-7530 Programs for the Aged.....	<u>\$6,992,000</u>
(From General Fund.....	\$4,538,000)
(From Property Tax Relief Fund.....	2,454,000)
Total State Aid Appropriation, Division of Aging Services	<u>\$6,992,000</u>
(From General Fund.....	\$4,538,000)

(From Property Tax Relief Fund 2,454,000)

State Aid:

55 County Offices on Aging (PTRF).....(\$2,454,000)
 55 Older Americans Act – State Share(4,538,000)

27 Disability Services

7545 Division of Disability Services

DIRECT STATE SERVICES

27-7545 Disability Services..... \$1,251,000
 Total Direct State Services Appropriation, Division of
 Disability Services..... \$1,251,000

Direct State Services:

Personal Services:

Salaries and Wages(\$969,000)
 Materials and Supplies.....(4,000)
 Services Other Than Personal.....(269,000)
 Maintenance and Fixed Charges.....(9,000)

GRANTS-IN-AID

27-7545 Disability Services..... \$14,033,000
 (From General Fund..... \$10,299,000)
 (From Casino Revenue Fund..... 3,734,000)
 Total Grants-in-Aid Appropriation, Division of Disability
 Services \$14,033,000
 (From General Fund..... \$10,299,000)
 (From Casino Revenue Fund..... 3,734,000)

Grants-in-Aid:

27 Personal Assistance Services Program.....(\$7,105,000)
 27 Personal Assistance Services Program (CRF)(3,734,000)
 27 Community Supports to Allow Discharge from
 Nursing Homes.....(77,000)
 27 Transportation/Vocational Services for the
 Disabled.....(1,617,000)
 27 New Jersey Association of Centers for
 Independent Living(1,500,000)

Notwithstanding the provisions of section 1 of P.L.2009, c.181 (C.30:4D-7j), or any other law or regulation to the contrary, providers of Medicaid-funded Personal Care Assistance services shall no longer be required to file cost reports with the Division of Disability Services.

30 Educational, Cultural, and Intellectual Development

32 Operation and Support of Educational Institutions

DIRECT STATE SERVICES

05-7610 Residential Care and Habilitation Services \$55,385,000

99-7610 Administration and Support Services	<u>21,002,000</u>
Total Direct State Services Appropriation, Operation and Support of Educational Institutions	<u>\$76,387,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages	(\$35,993,000)
Materials and Supplies	(21,605,000)
Services Other Than Personal	(9,541,000)
Maintenance and Fixed Charges	(8,288,000)
Additions, Improvements and Equipment	(960,000)

The State appropriation for the State's developmental centers is based on ICF/IDD revenues of \$240,429,000, provided that if the ICF/IDD revenues exceed \$240,429,000, an amount equal to the excess ICF/IDD 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 order to permit flexibility in the handling of appropriations and ensure timely payments to service providers, funds may be transferred to and from the various items of appropriation in the Residential Care and Habilitation Services and Administration and Support Services program classifications within the developmental centers accounts, 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 amounts 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.

7601 Community Programs
DIRECT STATE SERVICES

08-7601 Community Services	\$4,581,000
99-7601 Administration and Support Services	<u>10,084,000</u>
Total Direct State Services Appropriation, Community Programs	<u>\$14,665,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages	(\$8,852,000)
Materials and Supplies	(869,000)
Services Other Than Personal	(2,086,000)
Maintenance and Fixed Charges	(1,509,000)

Special Purpose:

08 New Jersey Donated Dental Program	(170,000)
99 Developmental Disabilities Council	(298,000)
Additions, Improvements and Equipment	(881,000)

GRANTS-IN-AID

01-7601 Purchased Residential Care	\$806,979,000
<i>(From General Fund.....</i>	<i>\$496,952,000)</i>
<i>(From Casino Revenue Fund.....</i>	<i>310,027,000)</i>
02-7601 Social Supervision and Consultation.....	71,674,000
03-7601 Adult Activities	<u>249,957,000</u>
Total Grants-in-Aid Appropriation,	
Community Programs	<u>\$1,128,610,000</u>
<i>(From General Fund.....</i>	<i>\$818,583,000)</i>
<i>(From Casino Revenue Fund.....</i>	<i>310,027,000)</i>

Grants-in-Aid:

01 CCP – Individual Supports	(\$409,464,000)
01 CCP – Individual Supports (CRF)	(310,027,000)
01 Skill Development Homes	(5,498,000)
01 Client Housing	(33,990,000)
01 Contracted Services	(48,000,000)
02 Office for Prevention of Developmental Disabilities...	(559,000)
02 CCP – Individual and Family Support Services	(30,933,000)
02 Supports Program – Individual and Family Support Services	(40,182,000)
03 Supports Program – Employment and Day Services	(91,958,000)
03 CCP – Employment and Day Services	(157,999,000)

Cost recoveries from consumers with developmental disabilities collected during the current fiscal year, not to exceed \$10,979,000, 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.

Such amounts 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, \$939,701,000 of federal Community Care Program funds is appropriated for community-based programs in the Division of Developmental Disabilities. The appropriation of federal Community Care Program 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.

In addition to the amount hereinabove appropriated for the Purchased Residential Care, Social Supervision and Consultation, and Adult Activities program classifications, such additional amounts as may be necessary are 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, and subject to federal approval, of the amounts hereinabove appropriated for the Adult Activities program classification, \$25,000,000 in State funding plus available federal matching dollars are appropriated to increase the fee-for-service rates for day habilitation, career planning, community inclusion services, group prevocational training, and group supported employment, effective October 1, 2021.

The amount hereinabove appropriated for Supports Program – Employment and Day Services is conditioned upon the following: the rate for supported employment services shall be no less than \$63 per hour.

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.....	\$8,227,000
99-7560 Administration and Support Services	<u>2,638,000</u>
Total Direct State Services Appropriation, Commission for the Blind and Visually Impaired	<u>\$10,865,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$8,593,000)
Materials and Supplies.....	(126,000)
Services Other Than Personal.....	(766,000)
Maintenance and Fixed Charges.....	(456,000)

Special Purpose:

11 Technology for the Visually Impaired	(746,000)
Additions, Improvements and Equipment	(178,000)

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, 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.

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.

GRANTS-IN-AID

11-7560 Services for the Blind and Visually Impaired	<u>\$3,525,000</u>
Total Grants-in-Aid Appropriation, Commission for the Blind and Visually Impaired	<u>\$3,525,000</u>

Grants-in-Aid:

11 State Match for Federal Grants	(\$617,000)
11 Educational Services for Children	(1,646,000)
11 Services to Rehabilitation Clients	(1,262,000)

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>\$32,883,000</u>
Total Direct State Services Appropriation, Division of Family Development	<u>\$32,883,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$14,175,000)
Materials and Supplies	(330,000)
Services Other Than Personal	(4,824,000)
Maintenance and Fixed Charges	(843,000)

Special Purpose:

15 Electronic Benefit Transfer/Distribution System	(2,014,000)
15 Work First New Jersey – Technology Investment	(10,489,000)

Additions, Improvements and Equipment

(208,000)
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.

Notwithstanding the provisions of any law or regulation to the contrary, in order to improve the timeliness of benefit deliveries, operational efficiencies, and cost savings and to minimize fraud, the Department of Human Services and the Department of Labor and Workforce Development shall participate in a no cost, 90 day pilot by which they shall obtain real-time employment and income information, which shall include up-to-date, non-modeled employment and income data provided by employers, from a third-party commercial consumer reporting agency, in accordance with the federal Fair Credit Reporting Act, 15 U.S.C. s.1681 et seq., for the purpose of assisting with the determination of an individual’s eligibility to receive Supplemental Nutrition Assistance Program and Temporary Assistance for Needy Families and unemployment benefits, including to conduct an analysis on the pilot; and shall undertake efforts to incorporate such real-time employment and income information into existing verification and eligibility determination procedures.

GRANTS-IN-AID

15-7550 Income Maintenance Management.....	<u>\$236,551,000</u>
Total Grants-in-Aid Appropriation, Division of Family Development	<u>\$236,551,000</u>

Grants-in-Aid:

15 Work First New Jersey – Training Related Expenses.....	(\$1,967,000)
15 Work First New Jersey Support Services.....	(26,460,000)
15 Child Care Facility Improvements Pilot Program	(4,450,000)
15 Child Care Shared Services Pilot Program	(550,000)
15 Work First New Jersey Child Care	(172,972,000)
15 Kinship Care Initiatives	(5,416,000)
15 LGBTQ+ Shelter Planning and Training Grant	(300,000)
15 SSI Attorney Fees	(1,823,000)
15 Utility Assistance Payments.....	(2,500,000)
15 Substance Use Disorder Initiatives	(20,113,000)

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.

Notwithstanding the provisions of 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 percent and 250 percent 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, set forth in N.J.A.C.10:15-5.1 et seq., in order to receive free or subsidized "wrap around" child care.

In addition to the amounts hereinabove appropriated for Work First New Jersey Child Care, there is appropriated to the Division of Family Development in the Department of Human Services an amount not to exceed \$9,000,000, subject to the approval of the Director of the Division of Budget and Accounting, to be used to adjust child care provider rates to account for the January 1, 2022 increase in the State's minimum wage.

In addition to the amounts hereinabove appropriated for Social Services for the Homeless, there is appropriated to the Division of Family Development in the Department of Human Services, subject to the approval of the Director of the Division of Budget and Accounting, an amount not to exceed \$5,000,000 to be used to provide case management services to individuals who qualify for such services pursuant to P.L.1997, c.14 (C.44:10-44 et seq.), as amended by P.L.2019, c. 74.

Notwithstanding the provisions of any law, rule or regulation to the contrary, every household in the State that is eligible to receive benefits under the Supplemental

Nutrition Assistance Program (SNAP) established pursuant to the "Food and Nutrition Act of 2008," Pub.L.110-246 (7 U.S.C. s.2011 et seq.) shall receive a minimum annual energy assistance payment of \$21 in order to qualify the household for a heating and cooling standard utility allowance under the SNAP program, in accordance with 7 U.S.C. s.2014(e)(6)(C), unless a standard utility allowance would have been unavailable to the household under the State and federal criteria for SNAP and any applicable energy assistance programs that were in place as of July 1, 2013.

The amounts hereinabove appropriated for the Work First New Jersey Program are subject to the following condition: such sums as may be necessary are allocated for the provision of voluntary intensive case management services to all eligible program recipients.

STATE AID

15-7550 Income Maintenance Management.....	<u>\$284,121,000</u>
(From General Fund.....)	\$171,086,000)
(From Property Tax Relief Fund.....)	113,035,000)
Total State Aid Appropriation, Division of Family Development	<u>\$284,121,000</u>
(From General Fund.....)	\$171,086,000)
(From Property Tax Relief Fund.....)	113,035,000)

State Aid:

15 County Administration Funding (PTRF)	(\$44,416,000)
15 Work First New Jersey – Client Benefits.....	(16,230,000)
15 Social Services for the Homeless (PTRF).....	(14,216,000)
15 Code Blue (PTRF)	(2,500,000)
15 General Assistance Emergency Assistance Program	(21,546,000)
15 Payments for Cost of General Assistance	(34,314,000)
15 Work First New Jersey – Emergency Assistance.....	(6,318,000)
15 Payments for Supplemental Security Income	(66,489,000)
15 State Supplemental Security Income Administrative Fee	(26,189,000)
15 General Assistance County Administration (PTRF).....	(26,610,000)
15 Supplemental Nutrition Assistance Program Administration – State (PTRF).....	(25,293,000)

The net State share of reimbursements and the net balances remaining after full payment of amounts 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 categorical 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.

Notwithstanding the provisions of R.S.46:30B-74 or any other law or regulation to the contrary, balances in the Unclaimed Child Support Trust Fund are appropriated to the Division of Family Development in the Department of Human Services to offset unpaid receivables for the child support program.

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 \$35 annual child support user fee, 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.

Notwithstanding section 7 of P.L.1997, c.38 (C.44:10-61) or any other law or regulation to the contrary, the level of cash assistance benefits payable to an assistance unit with dependent children shall increase as a result of a child having been born to the assistance unit while the assistance unit is receiving assistance.

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 Program, 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 section 6 of P.L.1997, c.14 (C.44:10-49) or any other law or regulation to the contrary, the amounts hereinabove appropriated for the Income Maintenance Management program classification shall be subject to the following condition: an assistance unit with two or more children that is eligible for benefits under the Work First New Jersey program and in receipt of child support shall receive, in addition to its regular grant of cash assistance benefits, a monthly amount of child support based on the current child support received for the month and adjusted for the number of children in the assistance unit, in accordance with federal law.

Notwithstanding the provisions of section 2 of P.L.2007, c.97 (C.44:10-63.1) or any other law or regulation to the contrary, the amounts hereinabove appropriated for the Income Maintenance Management program classification shall be subject to the following condition: in an assistance unit with a single adult or couple with dependent children, an adult that fails to actively cooperate with the Work First New Jersey program, established pursuant to P.L.1997, c.38 (C.44:10-55 et seq.), or participate in work activities under the program without good cause, and has therefore entered a pro-rata sanction period, shall have until the end of the sixth month of the pro-rata sanction period to actively cooperate with the program or participate in work activities before the assistance unit's cash assistance case shall be suspended.

Notwithstanding any other law or regulation to the contrary, the maximum benefit levels provided to Work First New Jersey recipients shall be 20 percent greater than the assistance levels in effect in State fiscal year 2019.

In addition to the amounts hereinabove appropriated for Work First New Jersey - Emergency Assistance, Payments for Supplemental Security Income and General Assistance Emergency Assistance Program, there is appropriated to the Division of Family Development in the Department of Human Services, subject to the approval of the Director of the Division of Budget and Accounting, an amount not to exceed \$20,000,000 to be used to provide emergency assistance benefits to individuals who qualify for such benefits pursuant to P.L.1997, c.14 (C.44:10-44 et seq.), as amended by P.L.2018, c.164 and P.L.2019, c.74.

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.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Income Maintenance Management are conditioned upon the following provision: benefits for the General Assistance and General Assistance Emergency Assistance programs shall be made available to individuals regardless of a conviction for distribution of a controlled substance as outlined in paragraph (7) of subsection b. of section 5 of P.L.1997, c.14 (C.44:10-48), provided the individual meets all other eligibility criteria and program rules.

From the amount appropriated hereinabove for Payments for Cost of General Assistance, the commissioner shall allocate not less than \$4,000,000 to Volunteers of America Delaware Valley to provide enhanced navigation and coordination of housing and homeless services in locations to include but not limited to Camden and Atlantic counties.

Receipts from counties for persons receiving Old Age Assistance, Disability Assistance, and Assistance for the Blind under the Supplemental Security Income 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.

Notwithstanding the provisions of section 3 of P.L.1973, c.256 (C.44:7-87) or any other law or regulation to the contrary, the amount hereinabove appropriated for State Supplemental Security Income Administrative Fee is subject to the following condition: in order to expedite and improve efficiency in the administration of the State Supplemental Security Income Program ("Program"), the Division of Family Development may enter into contracts with one or more other states to issue, on behalf of the State of New Jersey, State Supplemental Social Security checks to clients approved by the State of New Jersey to receive payments under the Program and to pay the state or states for any costs incurred under such contract, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated from the General Fund \$9,000,000 to be used by the Department of Human Services to provide a per diem reimbursement rate increase to homeless shelters beginning October 1, 2021, such that all additional funding shall be used to provide a wage increase for all workers providing services directly to individuals experiencing homelessness.

55 Social Services Programs

7580 Division of the Deaf and Hard of Hearing

DIRECT STATE SERVICES

23-7580 Services for the Deaf..... \$1,970,000

Total Direct State Services Appropriation, Division of the
Deaf and Hard of Hearing \$1,970,000

Direct State Services:

Personal Services:

Salaries and Wages (\$542,000)
Services Other Than Personal..... (40,000)
Maintenance and Fixed Charges..... (1,000)

Special Purpose:

23 Services to Deaf Clients..... (783,000)
23 Leveling the Playing Field Early
Intervention Program (550,000)
23 Communication Access Services (54,000)

GRANTS-IN-AID

23-7580 Services for the Deaf \$120,000
(From Casino Revenue Fund \$120,000)
Total Grants-in-Aid Appropriation, Division of
the Deaf and Hard of Hearing..... \$120,000
(From Casino Revenue Fund \$120,000)

Grants-in-Aid:

23 Hearing Aid Assistance to the Aged and
Disabled Program (CRF)..... (\$120,000)

In addition to the amounts hereinabove appropriated for 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.

Notwithstanding the provisions of any law or regulation to the contrary, amounts appropriated for the Hearing Aid Assistance to the Aged and Disabled program are subject to the following condition: reimbursements are available to eligible program participants for hearing aids up to a maximum reimbursement of \$500 per hearing aid per calendar year, subject to the approval of the Director of the Division of Budget and Accounting.

70 Government Direction, Management, and Control

76 Management and Administration

7500 Division of Management and Budget

DIRECT STATE SERVICES

96-7500 Institutional Security Services \$7,438,000
99-7500 Administration and Support Services 37,371,000
Total Direct State Services Appropriation, Division of
Management and Budget \$44,809,000

Direct State Services:

Personal Services:

Salaries and Wages	(\$29,817,000)
Materials and Supplies.....	(363,000)
Services Other Than Personal.....	(6,428,000)
Maintenance and Fixed Charges.....	(865,000)

Special Purpose:

99 Health Care Billing System	(60,000)
99 Nurture NJ	(500,000)
99 Office of State Diversity, Equity, and Inclusion	(750,000)
99 Transfer to State Police for Fingerprinting/Background Checks of Job Applicants	(4,239,000)
99 Office of New Americans	(200,000)
99 Office of Health Care Affordability and Transparency	(750,000)

Additions, Improvements and Equipment	(837,000)
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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 \$150,000 and any increase in the maximum monthly allowance shall be approved by the Director of the Division of Budget and Accounting.

In addition to the amount appropriated for Legal Services of New Jersey, \$8,200,000, subject to the approval of the Director of the Division of Budget and Accounting based on actual and anticipated caseloads, shall be made available by the Department of Human Services to one or more organizations qualified to provide such assistance, as determined by the Commissioner of Human Services for the provision of legal assistance to individuals facing detention or deportation based on their immigration status.

GRANTS-IN-AID

99-7500 Administration and Support Services	<u>\$10,464,000</u>
Total Grants-in-Aid Appropriation, Division of Management and Budget.....	<u>\$10,464,000</u>

Grants-in-Aid:

99 Unit Dose Contracting Services	(\$3,534,000)
99 Legal Services to Unaccompanied Minors	(3,000,000)
99 Consulting Pharmacy Services.....	(3,930,000)

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Legal Services to Unaccompanied Minors shall be made available to Kids in Need of Defense (KIND) and subgrantees as determined by the Commissioner of the Department of Human Services to provide legal representation and case management to unaccompanied children and similarly situated youth living in New Jersey, subject to the approval of the Director of the Division of Budget and Accounting.

Department of Human Services, Total State Appropriation .. \$7,358,112,000

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 statutorily 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 statutorily required by the Work First New Jersey program.

Notwithstanding the provisions of any law or regulation to the contrary, the Department of Human Services is authorized to identify opportunities for increased re-

coveries 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, amounts hereinabove appropriated for the State developmental centers 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, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances at the end of the preceding fiscal year due to opportunities for increased recoveries in the Department of Human Services are appropriated, subject to the approval of the Director of the Division of Budget and Accounting. These recoveries may be transferred to the Division of Medical Assistance and Health Services to support the General Medical Services program classification, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 1 of P.L.1985, c.286 (C.30:4D-6a) and subsection h. of section 3 of P.L.1973, c.256 (C.44:7-87) or the provisions of any law or regulation to the contrary, the minimum monthly personal needs allowance provided to persons residing in nursing facilities, State or county psychiatric hospitals, and State Developmental Centers who are eligible for Medicaid or SSI benefits shall be \$50. To effectuate the purposes of this provision, amounts may be transferred from General Medical Services appropriations to other accounts in the department and the Department of Health, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for the Purchased Residential Care, Social Supervision and Consultation, Adult Activities, Community Services, Addiction Services, and Administration and Support Services program classifications are available for the payment of obligations applicable to prior fiscal years, 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	\$279,383,000
Grants-in-Aid	6,666,898,000
State Aid	411,831,000

Appropriations by Fund:

General Fund.....	\$6,782,230,000
Property Tax Relief Fund.....	240,207,000
Casino Revenue Fund	335,675,000

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>\$10,650,000</u>
Total Direct State Services Appropriation, Economic Planning and Development.....	<u>\$10,650,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages	(\$1,389,000)
Materials and Supplies.....	(11,000)
Services Other Than Personal.....	(148,000)
Maintenance and Fixed Charges.....	(25,000)

Special Purpose:

99 Healthcare Ombudsperson	(1,327,000)
99 Unemployment Processing Modernization and Improvements.....	(7,750,000)

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 from the State Disability Benefits Fund such additional amounts as may be required to administer the program, subject to the approval of the Director of the Division of Budget and Accounting.

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 \$800,000 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.).

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 amounts as are necessary to pay for employer rebate awards as approved by the Commissioner of Community Affairs.

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.

53 Economic Assistance and Security

DIRECT STATE SERVICES

03-4520 State Disability Insurance Plan.....	\$33,142,000
04-4520 Private Disability Insurance Plan	5,250,000
05-4525 Workers' Compensation.....	14,067,000
06-4530 Special Compensation.....	<u>2,028,000</u>
Total Direct State Services Appropriation, Economic Assistance and Security.....	<u>\$54,487,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$34,321,000)
Materials and Supplies.....	(343,000)
Services Other Than Personal.....	(6,440,000)
Maintenance and Fixed Charges.....	(2,938,000)

Special Purpose:

03 State Disability Insurance Plan	(300,000)
03 State Disability Benefits Fund - Joint Tax Functions.....	(5,500,000)
03 Family Leave Insurance.....	(4,142,000)
04 Private Disability Insurance Plan.....	(100,000)
05 Workers' Compensation	(363,000)
06 Special Compensation.....	(40,000)

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.

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. s.1321 et seq.) is hereby appropriated from the Unemployment Compensation Auxiliary Fund if the Commissioner of Labor determines that there are sufficient moneys in the Unemployment Compensation Auxiliary Fund to repay all or a portion of the interest amount due on September 30 of that calendar year. Additionally, the amount necessary to pay interest due on any advances made under Title XII of the Social Security Act is 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.

In addition to the amounts hereinabove appropriated, there is appropriated from the Unemployment Compensation Auxiliary Fund, an amount not to exceed \$16,000,000 to support the Unemployment Insurance 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 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 from the State Disability Benefits Fund such additional amounts 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, there are appropriated from the Family Temporary Disability Leave Account within the State Disability Benefits Fund such amounts 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 State Disability Insurance Plan and the Private Disability Insurance Plan, there are appropriated from the State Disability Benefits Fund such additional amounts as may be required to administer the State Disability Insurance Plan and the Private Disability Insurance Plan.

In addition to the amounts hereinabove appropriated for the Workers' Compensation program, there are appropriated receipts in excess of the amount anticipated 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 from 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 amounts as may be required for costs of administration and beneficiary payments.

There is appropriated from 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.

Notwithstanding the provisions of R.S.43:21-16 or any other law or regulation to the contrary, any recoveries from fines and penalties assessed on or before October 21, 2013 in connection with fraudulently obtained unemployment insurance benefits are appropriated and shall be deposited into the Unemployment Compensation Auxiliary Fund.

From the funds made available to the State under section 903(d)(4) of the Social Security Act (42 U.S.C. s.1103 et seq.), as amended, the amount of \$19,000,000 or so much thereof as may be necessary, is appropriated for the continued maintenance and improvement of services to unemployment insurance claimants through the improvement and modernization of the benefit payment system and other technology improvements and to employment service clients through the continued development and maintenance of one-stop offices throughout the State and other investments in technology, processes, and services that will enhance job opportunities for clients. An amount not to exceed \$3,000,000 is appropriated from the funds made available to the State under section 903(d)(4) of the Social Security Act (42 U.S.C. s.1103 et seq.), as amended, for enhancing the Department's effort in auditing and collection of unemployment contribution obligations, subject to the approval of the Director of the Division of Budget and Accounting.

54 Manpower and Employment Services

DIRECT STATE SERVICES

07-4535 Vocational Rehabilitation Services	\$2,704,000
09-4545 Employment Services.....	13,672,000
10-4545 Employment and Training Services	5,000,000
12-4550 Workplace Standards.....	8,641,000
16-4555 Public Sector Labor Relations.....	3,712,000
17-4560 Private Sector Labor Relations.....	<u>500,000</u>
Total Direct State Services Appropriation, Manpower and Employment Services	<u>\$34,229,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$19,101,000)
Materials and Supplies.....	(34,000)
Services Other Than Personal.....	(459,000)
Maintenance and Fixed Charges.....	(26,000)

Special Purpose:

09 Workforce Development Partnership Program	(1,909,000)
09 Workforce Development Partnership – Counselors	(81,000)
09 Workforce Literacy and Basic Skills Program.....	(5,000,000)
10 Opioid Initiatives	(5,000,000)
12 Worker and Community Right to Know Act	(30,000)
12 Worker Health & Safety	(750,000)
12 Public Works Contractor Registration	(1,790,000)
12 Safety Commission	(3,000)

Additions, Improvements and Equipment (46,000)

The amount hereinabove appropriated for the Vocational Rehabilitation Services program classification is appropriated from the Unemployment Compensation Auxiliary Fund.

The amount hereinabove appropriated for Salaries and Wages for the Vocational Rehabilitation Services program classification shall be conditioned on the following: a) prior to determination of funding levels for the various services funded by any State or federal funds for vocational rehabilitation services, including but not limited to slot values and transportation, the Commissioner of Labor and Workforce Development shall consult with the sheltered workshop provider community to ensure a fair and adequate allocation of funding; and b) the Commissioner shall notify the Joint Budget Oversight Committee not less than 10 days prior to implementation of any change in rates for vocational rehabilitation services.

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, there is appropriated for the Council on Gender Parity an amount not to exceed \$72,000 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 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 amounts 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 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.

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.

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 amounts as may be required to administer the Workforce Literacy Program, with no less than \$3,000,000 for the New Jersey Community College Consortium for Workforce and Economic Development, a part of the New Jersey Council of County Colleges, 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.

Receipts in excess of the amount anticipated for the Workplace Standards program and the unexpended balance at the end of the preceding fiscal year 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 of Labor and Workforce Development as match for any federal programs requiring a State match.

Of the amount hereinabove appropriated for Workplace Standards Salaries and Wages, an amount not less than \$500,000 shall be allocated for the costs of additional staff assigned to enforce the provisions of the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.).

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.

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 "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 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 from the Wage and Hour Trust Fund and the Prevailing Wage Act Trust Fund such amounts as may be necessary for payments.

Of the amount hereinabove appropriated for Workplace Standards Salaries and Wages, an amount not less than \$1,000,000 shall be allocated to the Office of Strategic Enforcement for the costs of additional staff assigned to enforce the provisions of the “New Jersey Prevailing Wage Act,” P.L.1963, c.150 (C.34:11-56.25 et seq.).

There is appropriated \$8,500,000 from the Workforce Development Partnership Fund, and if that fund has a balance of lower than one-third of its revenue in the previous fiscal year, from what New Jersey is owed under the federal Coronavirus State Fiscal Recovery Fund established under the American Rescue Plan to the New Jersey Community College Consortium for Workforce and Economic Development, a part of the New Jersey Council of County Colleges, to establish Pathway and Skills Collaboratives and Centers of Excellence in New Jersey’s fastest growing industries. The collaboratives and centers created using these funds shall connect the New Jersey Department of Labor & Workforce Development, the State Employment and Training Commission, the New Jersey Business & Industry Association, community colleges, vocational-technical schools, workforce development boards, four-year colleges and universities, labor unions, community-based organizations, private career schools, and other eligible training providers to improve the alignment of training and the needs of employers in New Jersey’s key industries, to develop new education and training programs aligned with the needs of employers, and to deliver education and training tied to the needs of employers in key industries.

GRANTS-IN-AID

07-4535 Vocational Rehabilitation Services	\$47,566,000
(From General Fund.....)	\$45,370,000)

<i>(From Casino Revenue Fund.....</i>	<i>2,196,000)</i>
10-4545 Employment and Training Services	<u>39,076,000</u>
Total Grants-in-Aid Appropriation, Manpower and Employment Services.....	<u>\$86,642,000</u>
<i>(From General Fund.....</i>	<i>\$84,446,000)</i>
<i>(From Casino Revenue Fund.....</i>	<i>2,196,000)</i>

Grants-in-Aid:

07 Vocational Rehabilitation Services	(\$38,938,000)
07 Vocational Rehabilitation Services (CRF)	(2,196,000)
07 Services to Clients (State Share).....	(4,432,000)
07 Mid-Atlantic States Career and Education Center	(2,000,000)
10 Future of Work Initiatives.....	(10,000,000)
10 New Jersey Youth Corps	(2,325,000)
10 Work First New Jersey Work Activities	(26,751,000)

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for Vocational Rehabilitation Services, there is appropriated \$14,000,000 from the Workforce Development Partnership Fund.

In addition to the amount hereinabove appropriated for Vocational Rehabilitation Services, there is appropriated an additional \$5,000,000 from the Workforce Development Partnership Fund for Extended Employment (Center based jobs), Extended Employment Transportation, and Long-Term Follow Along Services which shall be allocated in the same amounts as in Fiscal Year 2020. Further, there is appropriated an additional \$5,000,000 from the Workforce Development Partnership Fund, of which \$3,600,000 shall be allocated for the Extended Employment client slots, and \$1,400,000 shall be allocated for Extended Employment Transportation. Further, there is appropriated an additional \$10,500,000 from the Workforce Development Partnership Fund for Extended Employment.

Of the amounts hereinabove appropriated for Vocational Rehabilitation Services, an amount not less than \$43,776,000 shall be allocated for the Extended Employment client slots and shall be paid in 12 equal monthly payments of \$3,648,000, commencing in July 2021. These funds shall be contracted in July, and the first payment shall be paid to providers in July 2021.

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for Vocational Rehabilitation Services, there is appropriated \$9,114,000 from the Supplemental Workforce Fund for Basic Skills.

In addition to the amount hereinabove appropriated for Vocational Rehabilitation Services, an amount not to exceed \$2,000,000 to allow for the matching of federal funds made available pursuant to 29 U.S.C. s.730 is hereby appropriated from the Supplemental Workforce Fund for Basic Skills, 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.

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.

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, 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.

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, the amount hereinabove appropriated for Future of Work Initiatives shall be used to provide funds for incumbent worker training grants and to develop and implement a pilot program that creates savings accounts to fund education and training expenses to improve lifelong learning, as determined by the Commissioner of Labor and Workforce 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 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, the amount hereinabove appropriated for the Vocational Rehabilitation Services program classification is available for the payment of obligations applicable to prior fiscal years.

In addition to the amount hereinabove appropriated for Vocational Rehabilitation Services, such sums as may be necessary to allow for the matching of federal funds made available pursuant to 29 U.S.C. s.730 are hereby appropriated from the Workforce Development Partnership 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 Employment and Training Services, an amount not to exceed \$22,500,000 is appropriated from the Workforce Development Partnership Fund, section 9 of P.L.1992, c.43 (C.34:15D-9), for the purpose of funding the NJ Apprenticeship Network, the Career Accelerator Internship Program, the Workforce Development Policy and Evaluation Lab, the NJ Career Network, and such other priority additional workforce initiatives recommended by the Commissioner of Labor and Workforce 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 amounts hereinabove appropriated for Employment and Training Services, an amount not to exceed \$2,000,000 is appropriated from the Workforce Development Partnership Fund for the Parolee Employment Placement Program for parolee employment services from contracted providers, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for Vocational Rehabilitation Services is conditioned upon the following: the rate for supported employment services shall be no less than \$63 per hour.

70 Government Direction, Management, and Control

74 General Government Services

DIRECT STATE SERVICES

22-4575 General Administration, Agency Services,	
Test Development and Analytics	\$20,856,000
24-4580 Appeals and Regulatory Affairs	<u>1,923,000</u>
Total Direct State Services Appropriation, General	
Government Services	<u>\$22,779,000</u>

Direct State Services:

Personal Services:

Civil Service Commission	(\$5,000)
Salaries and Wages	(20,847,000)
Materials and Supplies.....	(188,000)
Services Other Than Personal.....	(1,104,000)
Maintenance and Fixed Charges.....	(141,000)

Special Purpose:

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 Civil Service Commission 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 Training and Development (CLIP) 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 \$208,787,000

Summary of Department of Labor and Workforce Development Appropriations
(For Display Purposes Only)

Appropriations by Category:

Direct State Services.....\$122,145,000

Grants-in-Aid..... 86,642,000

Appropriations by Fund:

General Fund\$206,591,000

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\$339,363,000

09-1020 Criminal Justice 43,368,000

30-1460 Gaming Enforcement 54,981,000

(From Casino Control Fund \$54,981,000)

99-1200 Administration and Support Services 33,995,000

Total Direct State Services Appropriation, Law

Enforcement \$471,707,000

(From General Fund..... \$416,726,000)

(From Casino Control Fund 54,981,000)

Direct State Services:

Personal Services:

Salaries and Wages(\$230,621,000)

Salaries and Wages (CCF) (46,909,000)

Cash in Lieu of Maintenance (35,046,000)

Cash in Lieu of Maintenance (CCF) (806,000)

Materials and Supplies..... (12,474,000)

Materials and Supplies (CCF)	(350,000)
Services Other Than Personal	(20,257,000)
Services Other Than Personal (CCF)	(2,518,000)
Maintenance and Fixed Charges	(6,333,000)
Maintenance and Fixed Charges (CCF)	(2,348,000)

Special Purpose:

06 Nuclear Emergency Response Program	(373,000)
06 Drunk Driver Fund Program	(350,000)
06 State Police DNA Laboratory Enhancement	(4,350,000)
06 Urban Search and Rescue	(1,000,000)
06 Rural Section Policing	(66,063,000)
06 Radio System Upgrade	(2,720,000)
06 Expungement Unit	(13,000,000)
06 Waterfront Operations	(4,000,000)
09 Division of Criminal Justice - State Match	(750,000)
09 Office of Public Integrity & Accountability	(8,517,000)
09 Expenses of State Grand Jury	(356,000)
09 Medicaid Fraud Investigation - State Match	(1,000,000)
09 Victim and Witness Advocacy Fund	(500,000)
30 Gaming Enforcement (CCF)	(1,500,000)
99 Emergency Operations Center and Hamilton TechPlex Maintenance	(3,473,000)
99 N.C.I.C. 2000 Project	(1,575,000)
Additions, Improvements and Equipment	(3,968,000)
Additions, Improvements and Equipment (CCF)	(550,000)

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for Criminal Justice salaries, an amount not to exceed \$500,000, subject to the approval of the Director of the Division of Budget and Accounting, shall be used for the costs of increased staffing for labor enforcement matters.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amount hereinabove appropriated for Division of Criminal Justice - State Match, an amount not to exceed \$600,000 is appropriated to provide State matching funds for the purpose of strengthening and expanding services related to Internet Crimes Against Children cases, 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 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 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.

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.

Notwithstanding the provisions of any other 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.

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 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.

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.

The amount hereinabove appropriated for the Drunk Driver Fund Program is payable out of the Drunk Driving 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 subsection 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 approval of the Director of the Division of Budget and Accounting. No funds shall be expended to expand services in a manner that duplicates service currently provided. The Department of Health and the Division of State Police shall establish performance metrics to ensure the appropriate delivery of State-wide emergency medical helicopter service and that no inefficient duplication of State funded service exists.

Notwithstanding the provisions of any law or regulation to the contrary, receipts and available balances collected pursuant to the New Jersey Emergency Medical Service Helicopter Response Act, subsection a. of section 1 of P.L.1992, c.87 (C.39:3-8.2), not to exceed \$5,000,000, are appropriated for State Police salaries, 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 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 \$2,600,000 are appropriated for State Police vehicles, 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 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 \$2,000,000 are appropriated for State Police equipment, 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.

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.

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 \$13,305,000 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.

In addition to the amounts hereinabove appropriated to the Divisions of State Police and Criminal Justice, 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.

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.

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>\$386,000</u>
Total Grants-in-Aid Appropriation, Law Enforcement.....	<u>\$386,000</u>

Grants-in-Aid:

06 Nuclear Emergency Response Program.....(\$386,000)

Of the amount hereinabove appropriated for the NJ Statewide Body Worn Camera Program, an amount not to exceed \$500,000 may be used for administrative purposes, and the unexpended balance 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 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.

STATE AID

06-1200 State Police Operations	\$3,000,000
(From Property Tax Relief Fund.....	\$3,000,000)
09-1020 Criminal Justice.....	<u>2,000,000</u>
(From Property Tax Relief Fund.....	2,000,000)
Total State Aid Appropriation, Law Enforcement	<u>\$5,000,000</u>
(From Property Tax Relief Fund	\$5,000,000)

State Aid:

06 Essex Crime Prevention (PTRF).....(\$3,000,000)

09 Safe and Secure Neighborhoods Program (PTRF) ...(2,000,000)

13 Special Law Enforcement Activities**DIRECT STATE SERVICES**

03-1160 Office of Highway Traffic Safety.....	\$598,000
17-1420 Election Law Enforcement.....	5,297,000
20-1450 Review and Enforcement of Ethical Standards	1,058,000
22-1410 Regulation of Racing Activities	<u>15,000,000</u>
Total Direct State Services Appropriation, Special Law	
Enforcement Activities.....	<u>\$21,953,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages	(\$5,538,000)
Materials and Supplies.....	(65,000)
Services Other Than Personal.....	(742,000)
Maintenance and Fixed Charges.....	(10,000)

Special Purpose:

03 Federal Highway Safety.....	(598,000)
22 Horse Racing Purse Subsidies.....	(15,000,000)

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 amounts 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.

Notwithstanding the provisions of section 14 of P.L.1992, c.188 (C.33:1-4.1) or any other law or regulation to the contrary, an amount not to exceed \$4,199,000 from receipts from fees and penalties collected by the Division of Alcoholic Beverage Control shall be deposited in the General Fund as State revenue.

GRANTS-IN-AID

17-1420 Election Law Enforcement	<u>\$21,480,000</u>
(From Gubernatorial Elections Fund	\$21,480,000)
Total Grants-In-Aid Appropriation, Special Law	
Enforcement Activities	<u>\$21,480,000</u>
(From Gubernatorial Elections Fund	\$21,480,000)

Grants-in-Aid:

17 Election Law Enforcement (GEF) (\$21,480,000)

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, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for the Election Law Enforcement Gubernatorial Elections Fund, an amount not to exceed \$480,000 may be used to offset the administrative costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

18 Juvenile Services

DIRECT STATE SERVICES

34-1500 Juvenile Community Programs	\$30,300,000
35-1505 Institutional Control and Supervision.....	39,361,000
36-1505 Institutional Care and Treatment.....	14,502,000
40-1500 Juvenile Parole and Transitional Services	5,469,000
99-1500 Administration and Support Services	<u>18,178,000</u>
Total Direct State Services Appropriation, Juvenile Services ..	<u>\$107,810,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$86,782,000)
Materials and Supplies.....	(4,819,000)
Services Other Than Personal.....	(10,677,000)
Maintenance and Fixed Charges.....	(2,632,000)

Special Purpose:

34 Juvenile Aftercare Programs	(73,000)
34 Juvenile Justice Initiatives	(612,000)
99 Johnstone Facility Maintenance.....	(457,000)
99 Juvenile Justice - State Matching Funds	(132,000)
99 Custody and Civilian Staff Equipment and Supplies	(186,000)

Additions, Improvements and Equipment(1,440,000)

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.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amounts hereinabove appropriated for Juvenile Community Programs, an amount not to exceed \$750,000 is appropriated from the Workforce Development Partnership Fund for the cost of administering and operating the Heating/Ventilation/Air Conditioning/Refrigeration (HVACR) Career Education Program for individuals under the supervision of the Juvenile Justice Commission, upon the recommendation of the Executive Director of the Juvenile Justice Commission and subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

34-1500 Juvenile Community Programs	<u>\$20,799,000</u>
Total Grants-in-Aid Appropriation, Juvenile Services.....	<u>\$20,799,000</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.....	(12,670,000)
34 Purchase of Services for Juvenile Offenders.....	(313,000)

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 communities and offer training opportunities in cultural competence to staff of community-based organizations the recipients may serve.

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.

19 Central Planning, Direction and Management
DIRECT STATE SERVICES

13-1005 Homeland Security and Preparedness	\$13,560,000
99-1000 Administration and Support Services	<u>17,141,000</u>
Total Direct State Services Appropriation, Central Planning, Direction and Management	<u>\$30,701,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$11,234,000)
Materials and Supplies.....	(74,000)
Services Other Than Personal.....	(454,000)
Maintenance and Fixed Charges.....	(22,000)

Special Purpose:

13 Office of Homeland Security and Preparedness.....	(5,176,000)
13 Cybersecurity and Data Protection.....	(8,384,000)
99 Prescription Drug Monitoring Program Enhancements.....	(200,000)
99 Continuing Education for Health Care Professionals.....	(1,000,000)
99 Online Licensure for Mental Health Professionals	(500,000)
99 Operation Helping Hand	(2,200,000)
99 Office of Law Enforcement Professional Standards	(1,436,000)

Additions, Improvements and Equipment(21,000)

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 and may be transferred to the Division of State Police 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.

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.

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 \$8,900,000, 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.

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 and February 1, of the use and disposition by State law enforcement agencies, including the offices of the county prosecutors, of any interest in property or money seized, or proceeds resulting from seized or forfeited property, and any interest or income earned thereon, arising from any State law enforcement agency involvement in a surveillance, investigation, arrest or prosecution involving offenses under N.J.S.2C:35-1 et seq. and N.J.S.2C:36-1 et seq. leading to such seizure or forfeiture. The reports shall specify for the preceding period of the fiscal year the type, approximate value, and disposition of the property seized and the amount of any proceeds received or expended, whether obtained directly or as contributive share, including but not limited to the use thereof for asset maintenance, forfeiture prosecution costs, costs of extinguishing any perfected security interest in seized property and the contributive share of property and proceeds of other participating local law enforcement agencies. The reports shall provide an itemized accounting of all proceeds expended and shall specify with particularity the nature and purpose of each such expenditure.

GRANTS-IN-AID

13-1005 Homeland Security and Preparedness	\$2,750,000
99-1000 Administration and Support Services	<u>10,000,000</u>

Total Grants-in-Aid Appropriation, Central Planning,
Direction and Management \$12,750,000

Grants-in-Aid:

- 13 New Jersey Nonprofit Security Grant
Pilot Program (P.L.2017, c.246)..... (\$2,750,000)
- 99 Community-Based Violence
Intervention (10,000,000)

Of the amount appropriated for the New Jersey Nonprofit Security Grant Pilot Program (P.L.2017, c.246), the unexpended balance 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.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Community-Based Violence Intervention shall be used to develop violence-intervention programming and provide grants to municipalities and individuals impacted by higher than average rates of violence, pursuant to a competitive process administered by the Office of the Attorney General, 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	\$95,159,000
Subtotal Direct State Services Appropriation, General Government Services	<u>\$95,159,000</u>

Less:

Legal Services	\$73,925,000
Total Income Deductions	<u>\$73,925,000</u>
Total Direct State Services Appropriation, General Government Services	<u>\$21,234,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$16,407,000)
Materials and Supplies.....	(89,000)
Services Other Than Personal.....	(3,162,000)
Maintenance and Fixed Charges.....	(134,000)

Special Purpose:

12 Legal Services.....	(73,925,000)
12 Child Welfare Unit.....	(1,442,000)

Less:

Total Income Deductions.....	73,925,000
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In addition to the amount hereinabove appropriated for Legal Services and the additional amount associated with employee fringe benefit costs, there are appropriated such amounts 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 amounts 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	\$7,857,000
15-1316 Operation of State Professional Boards	17,633,000
<i>(From General Fund.....</i>	<i>\$17,541,000)</i>
<i>(From Casino Revenue Fund.....</i>	<i>92,000)</i>
16-1350 Protection of Civil Rights	5,952,000
19-1440 Victims of Crime Compensation Office	<u>13,372,000</u>
Total Direct State Services Appropriation, Protection of	
Citizens' Rights	<u>\$44,814,000</u>
<i>(From General Fund.....</i>	<i>\$44,722,000)</i>
<i>(From Casino Revenue Fund.....</i>	<i>92,000)</i>

Direct State Services:

Personal Services:

Salaries and Wages	(\$5,894,000)
Salaries and Wages (CRF)	(75,000)
Employee Benefits (CRF)	(17,000)
Materials and Supplies	(102,000)
Services Other Than Personal	(18,895,000)
Maintenance and Fixed Charges	(198,000)

Special Purpose:

14 Prescription Drug Monitoring Program	(500,000)
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 Registration	
Program	(556,000)
15 Personal Care Attendants - Background Checks	(500,000)
19 Claims - Victims of Crime	(13,372,000)

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 critical training, equipment, facility needs, background checks, investigations required by law, opioid related expenses, and unanticipated costs related to enforcement needs, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated 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.

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 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 in 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.

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.

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 Victims of Crime Compensation Office pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) are appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

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 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 for additional Victims of Crime Compensation Office operational costs, subject to the approval of the Director of the Division of Budget and Accounting.

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, implementation and operation of the Criminal Disposition and Revenue Collection Fund program, payment of claims of victims of crime and for Victims of Crime Compensation Office operational 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 and consistent with P.L.2015, c.55, restitution payments collected by the Department of Corrections owed to victims of crimes who have not been located by the Department and who have not come forward to claim such payments for a period of two years from when the Department attempts to locate them shall be transferred to the Victims of Crime Compensation Office and are appropriated to satisfy claims pursuant to the provisions of the "Criminal Injuries Compensation Act of 1971," P.L.1971, c.317 (C.52:4B-1 et seq.).

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..... \$758,634,000

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.

Notwithstanding the provisions of section 2 of P.L.1974, c.46 (C.45:1-3.2) or any law or regulation to the contrary, an amount not to exceed \$8,500,000, subject to the approval of the Attorney General, is hereby appropriated from the unexpended balances of the several State professional boards, advisory boards, and committees located in the Department of Law and Public Safety which are not otherwise required to be expended for the purposes of such professional boards, advisory boards, and committees to pay for the costs and expenses of the various divisions within the Department of Law and Public Safety as determined by 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, 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.

Summary of Department of Law and Public Safety Appropriations
(For Display Purposes Only)

Appropriations by Category:

Direct State Services.....	\$698,219,000
Grants-in-Aid.....	55,415,000
State Aid.....	5,000,000

Appropriations by Fund:

General Fund	\$677,081,000
Property Tax Relief Fund	5,000,000
Casino Control Fund.....	54,981,000
Casino Revenue Fund.....	92,000
Gubernatorial Election Fund	21,480,000

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.....	\$4,617,000
60-3600 Joint Training Center Management and Operations	74,000
99-3600 Administration and Support Services	<u>5,152,000</u>
Total Direct State Services Appropriation, Military Services.....	<u>\$9,843,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$5,906,000)
Materials and Supplies.....	(357,000)
Services Other Than Personal.....	(928,000)
Maintenance and Fixed Charges.....	(934,000)

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).....	(1,105,000)
99 COVID-19 Training, Prevention, and Treatment	(250,000)

Additions, Improvements and Equipment	(48,000)
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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 opera-

tion 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.

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 sale of solar energy credits and the receipt of energy rebates 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	\$3,925,000
51-3610 Veterans' Haven	2,540,000
70-3610 Burial Services	<u>2,159,000</u>
Total Direct State Services Appropriation, Veterans' Program Support	<u>\$8,624,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$6,870,000)
Materials and Supplies	(459,000)
Services Other Than Personal	(287,000)
Maintenance and Fixed Charges	(118,000)

Special Purpose:

50 Payment of Military Leave Benefits	(67,000)
50 Veterans' State Benefits Bureau	(110,000)
50 Maintenance for Memorials	(371,000)
70 Indigent Veteran Burial Assistance	(25,000)
70 Honor Guard Support Services	(317,000)

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.

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.

Funds collected by and on behalf of the Korean Veterans' Memorial Fund are hereby appropriated for the purposes of the fund.

Funds received for plot interment allowances from the U.S. Department of Veterans Affairs, burial fees collected, and the unexpended program balances at the end of the preceding fiscal year are appropriated for perpetual care and maintenance of burial plots and grounds at the Brigadier General William C. Doyle Veterans' Memorial Cemetery in North Hanover Township, Burlington County, New Jersey.

Notwithstanding the provisions of any law or regulation to the contrary, no State funds are appropriated to the Department of Military and Veterans' Affairs for the purpose of reforestation or "in lieu of" payments under the P.L.1993, c.106 (C.13:1L-14.1 et seq.) in conjunction with the current or future operation, maintenance and construction of the Brigadier General William C. Doyle Veterans' Memorial Cemetery in North Hanover Township, Burlington County, New Jersey.

GRANTS-IN-AID

50-3610 Veterans' Outreach and Assistance \$2,448,000
 Total Grants-in-Aid Appropriation, Veterans' Program Support.. \$2,448,000

Grants-in-Aid:

50 Support Services for Returning Veterans..... (\$399,000)
 50 Vietnam Veterans Memorial Foundation..... (250,000)
 50 Veterans' Tuition Grants..... (4,000)
 50 Veterans' Transportation..... (335,000)
 50 Blind Veterans' Allowances (25,000)
 50 Paraplegic and Hemiplegic Veterans' Allowance..... (135,000)
 50 Post Traumatic Stress Disorder (1,300,000)

From the amount hereinabove appropriated for the Support Services for Returning Veterans, such amounts as may be required may be transferred to Veterans Outreach and Assistance-Direct State Services, Veterans' Haven North and South - Direct State Services and Veterans' Transportation Grants-In-Aid, subject to the approval of the Director of the Division of Budget and Accounting.

3630 Menlo Park Veterans' Memorial Home

DIRECT STATE SERVICES

20-3630 Domiciliary and Treatment Services \$20,069,000
 99-3630 Administration and Support Services 5,535,000
 Total Direct State Services Appropriation, Menlo Park
 Veterans' Memorial Home \$25,604,000

Direct State Services:

Personal Services:

Salaries and Wages	(\$21,873,000)
Materials and Supplies.....	(1,965,000)
Services Other Than Personal.....	(1,417,000)
Maintenance and Fixed Charges.....	(235,000)
Additions, Improvements and Equipment	(114,000)

GRANTS-IN-AID

20-3630 Domiciliary and Treatment Services	<u>\$49,000</u>
Total Grants-in-Aid Appropriation, Menlo Park Veterans' Memorial Home	<u>\$49,000</u>

Grants-in-Aid:

20 Prescription Drug Program	(\$49,000)
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3640 Paramus Veterans' Memorial Home**DIRECT STATE SERVICES**

20-3640 Domiciliary and Treatment Services	\$20,559,000
99-3640 Administration and Support Services	<u>4,361,000</u>
Total Direct State Services Appropriation, Paramus Veterans' Memorial Home	<u>\$24,920,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages	(\$22,158,000)
Materials and Supplies.....	(1,370,000)
Services Other Than Personal.....	(1,191,000)
Maintenance and Fixed Charges.....	(162,000)
Additions, Improvements and Equipment	(39,000)

GRANTS-IN-AID

20-3640 Domiciliary and Treatment Services	<u>\$49,000</u>
Total Grants-in-Aid Appropriation, Paramus Veterans' Memorial Home	<u>\$49,000</u>

Grants-in-Aid:

20 Prescription Drug Program	(\$49,000)
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3650 Vineland Veterans' Memorial Home**DIRECT STATE SERVICES**

20-3650 Domiciliary and Treatment Services	\$22,663,000
99-3650 Administration and Support Services	<u>5,255,000</u>
Total Direct State Services Appropriation, Vineland Veterans' Memorial Home	<u>\$27,918,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages	(\$23,857,000)
Materials and Supplies.....	(1,482,000)

Services Other Than Personal	(2,181,000)
Maintenance and Fixed Charges	(274,000)
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.

Receipts in excess of anticipated revenues derived from resident contributions and the U.S. Department of Veterans Affairs 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	<u>\$49,000</u>
Total Grants-in-Aid Appropriation, Vineland Veterans'	
Memorial Home	<u>\$49,000</u>

Grants-in-Aid:

20 Prescription Drug Program	(\$49,000)
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Department of Military and Veterans' Affairs,	
Total State Appropriation	<u>\$99,504,000</u>

Notwithstanding the provisions of any law or regulation to the contrary, lease or licensing payments received by the Department of Military and Veterans' Affairs in connection with the property known as the "Colgate Clock" located on Block 14502, Lot 10 on the Official Tax Map of Jersey City, New Jersey, shall be deposited in the General Fund.

Summary of Department of Military and Veterans' Affairs Appropriations
(For Display Purposes Only)

<i>Appropriations by Category:</i>	
Direct State Services	\$96,909,000
Grants-in-Aid	2,595,000

Appropriations by Fund:

General Fund..... \$99,504,000

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..... \$8,702,000

81-2400 Educational Opportunity Fund Programs 420,000

Total Direct State Services Appropriation, Higher

Educational Services \$9,122,000

Direct State Services:**Personal Services:**

Salaries and Wages(\$2,833,000)

Materials and Supplies.....(9,000)

Services Other Than Personal.....(218,000)

Maintenance and Fixed Charges.....(12,000)

Special Purpose:

80 State Policy Lab(1,000,000)

80 Student Success Incentive Funding.....(5,000,000)

Additions, Improvements and Equipment(50,000)

In addition to the amounts hereinabove appropriated for the Statewide Planning and Coordination for Higher Education, there is appropriated an amount not to exceed \$500,000 subject to the approval of the Director of the Division of Budget and Accounting, for the purpose of supporting the maintenance of a statewide longitudinal New Jersey Education to Earnings Data System.

GRANTS-IN-AID

80-2400 Statewide Planning and Coordination for Higher Education... \$20,600,000

81-2400 Educational Opportunity Fund Programs 53,838,000

Total Grants-in-Aid Appropriation, Higher

Educational Services \$74,438,000

Grants-in-Aid:

80 College Bound(\$2,500,000)

80 College Readiness Now(1,000,000)

80 Center on Gun Violence Research(1,000,000)

80 New Jersey Civic Information

Consortium(1,000,000)

80 Governor's School(100,000)

80 Garden State Guarantee

Implementation.....(5,000,000)

80 Fringe Support for Public Research

Institutions of Higher Education(10,000,000)

81 Opportunity Program Grants..... (36,329,000)

81 Supplementary Education Program Grants..... (17,509,000)

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.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Garden State Guarantee Implementation is subject to the following conditions: funding shall be allocated by the Secretary of Higher Education, subject to the approval of the Director of the Division of Budget and Accounting, to four-year public institutions to offset the financial effects of declining enrollment trends and improve college affordability by funding approved applications for financial assistance to (i) all eligible, newly-enrolled New Jersey residents with adjusted gross incomes of \$65,000 or less for two years of enrollment with no tuition or fees; and (ii) all other eligible newly enrolled students based upon a sliding scale pricing structure set by the institutions and relief from payment of tuition and fees based on the student's length of academic term with on-time completion.

In addition to the amounts hereinabove appropriated for the Center on Gun Violence Research, an amount not to exceed \$1,000,000, subject to the approval of the Director of the Division of Budget and Accounting, is appropriated to support interdisciplinary research on the causes and consequences of, and solutions to, gun-related violence.

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 amounts as the State Treasurer deems necessary. Any amounts 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 amounts 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>\$523,736,000</u>
Total Grants-in-Aid Appropriation, Higher Education	
Student Assistance Authority	<u>\$523,736,000</u>

Grants-in-Aid:

45 Tuition Aid Grants	(\$472,887,000)
45 Part-Time Tuition Aid Grants for	
County Colleges	(8,737,000)
45 Part-Time Tuition Aid Grant - EOF Students	(558,000)
45 Governor's Urban Scholarship Program	(945,000)
45 Community College Opportunity Grant	(27,000,000)
45 New Jersey World Trade Center Scholarship	
Program	(202,000)
45 New Jersey Student Tuition Assistance	
Reward Scholarship (NJSTARS I & II)	(6,907,000)
45 Pay It Forward Fund	(5,000,000)
45 Primary Care Practitioners Loan	
Redemption Program	(1,500,000)

Notwithstanding the provisions of any law or regulation to the contrary, the amounts provided hereinabove for Tuition Aid Grants shall provide awards to all qualified applicants at levels set by the Higher Education Student Assistance Authority. Such amounts as may be necessary are appropriated from Tuition Aid Grants to fund awards for undocumented students as set forth in P.L.2018, c.12 (C.18A:71B-2.1) or incarcerated individuals, subject to the approval of the Director of the Division of Budget and Accounting. 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 amounts 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.

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.

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 county 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.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Community College Opportunity Grants is subject to the following conditions: (1) \$27 million is appropriated to the Higher Education Student Assistance Authority for the purpose of providing grants to eligible enrollees at New Jersey county colleges for the Fall 2021 and Spring 2022 semesters, to pay for the costs of tuition or approved educational fees, including fees for nursing, culinary, and other career and technical education programs, or both, that are not already covered by other available funding opportunities, including, but not limited to, awards of tuition assistance and grants from any source, as determined by the Higher Education Student Assistance Authority; provided, however, that the Higher Education Student Assistance Authority, in consultation with the Office of the Secretary of Higher Education, shall establish criteria governing student eligibility and other necessary program elements, which shall be published on the Authority's Internet website; provided further that for Fiscal Year 2022, grants shall be available only to students determined to be eligible by the Authority, and whose adjusted gross income does not exceed \$65,000; and provided further that the maximum per student tuition and approved educational fee amounts eligible for Community College Opportunity Grants coverage shall not be more than two percent greater than the equivalent tuition and fee amounts at each county college in Academic Year 2020-2021; and provided further that unexpended balances, not to exceed \$5 million, may be reallocated to augment the Tuition Assis-

tance Grant program for county colleges, upon the recommendation of the Secretary of Higher Education and subject to the approval of the Director of the Division of Budget and Accounting; and (2) students must be enrolled in 6 or more credit hours, as defined pursuant to N.J.A.C. 9A:9-2.6.

In addition to the amount hereinabove appropriated for Community College Opportunity Grants (CCOG), there are appropriated such amounts as are required to cover the costs of increases in the number of applicants qualifying for CCOG 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.

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 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, the amount hereinabove appropriated for the New Jersey Student Tuition Assistance Reward Scholarship program 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 any law or regulation to the contrary, the maximum tuition to be used in determining the amount of a NJ STARS award to a student at a county college shall be limited to the in-county tuition charged for students pursuing a full-time course of study at that county college.

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 Scholarship program shall be used to fund summer semester NJ STARS scholarship awards.

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 P.L.2012, c.8 (C.18A:71B-85.6 et al.) or any other law or regulation to the contrary, the amounts hereinabove appropriated for the New Jersey Student Tuition Assistance Reward Scholarship program are subject to the following condition: the maximum New Jersey Student Tuition Assistance Reward Scholarship awards for students first enrolling in the program for academic year 2015-2016 and thereafter who attend a county college that has eliminated general education fees and increased its tuition correspondingly will be reduced by an amount to be calculated and approved by the Director of the Division of Budget and Accounting. The amount of the reduction shall be the three-year average percentage that fees comprised of total tuition and fees as reported to the Higher Education Student Assistance Authority (HESAA) on the institutional budget survey in the three immediate years prior to the elimination of the general

education fees.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts provided hereinabove in Student Assistance Programs shall be available for payment of liabilities applicable to prior fiscal years.

In order to permit and ensure the timely award of student financial aid grants, amounts may be transferred among accounts in Student Assistance Programs, including Survivor Tuition Benefits, 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.

Notwithstanding the provisions of section 9 of P.L.2009, c.236 (C.18A:71C-58) or any other law or regulation to the contrary, the amount hereinabove appropriated for the Nursing Faculty Loan Redemption Program is subject to the following condition: funds, if any, in excess of the amount necessary to satisfy qualifying applications under the Program may be reallocated to the Primary Care Practitioner Loan Redemption Program upon the recommendation of the Executive Director of the Higher Education Student Assistance Authority, subject to the approval of the Director of the Division of Budget and Accounting.

2410 Rutgers, The State University - New Brunswick
GRANTS-IN-AID

82-2410 Institutional Support	<u>\$3,083,510,000</u>
Subtotal General Operations	<u>\$3,083,510,000</u>

Less:

General Services Income	\$1,680,384,000
Auxiliary Funds Income	94,438,000
Special Funds Income	593,865,000
Employee Fringe Benefits.....	370,405,000
Total Income Deductions	<u>\$2,739,092,000</u>
Total Grants-in-Aid Appropriation, Rutgers, The State	
University - New Brunswick	<u>\$344,418,000</u>

Grants-in-Aid:

82 Outcomes-Based Allocation.....	(\$18,238,000)
82 The Rutgers Special Needs Dental	
Treatment Center.....	(250,000)
82 Rutgers, The State University -	
New Brunswick	(2,911,622,000)
82 Cancer Institute of New Jersey	(5,000,000)
82 Child Health Institute	(1,700,000)
82 School of Biomedical and Health Sciences.....	(141,533,000)
82 State Government Science and Engineering	
Fellowship Program, Eagleton Institute	(267,000)

82	New Jersey Center for Civic Education - Middle School and High School Civics Instruction	(300,000)
82	Center for American Women and Politics - Women Elected and Appointed Officials Database	(350,000)
82	Waksman Institute of Microbiology	(2,000,000)
82	Center for COVID-19 Response and Pandemic Preparedness	(1,750,000)
82	New Jersey Climate Change Resource Center at Rutgers (P.L. 2019, c.442).....	(500,000)

Less:

Income Deductions..... 2,739,092,000

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.

For the purpose of implementing the appropriations act for the current fiscal year, the fringe benefits for not more than 1,383 positions, funded by medical services contracts between Rutgers and various State departments, are funded by the State.

**2415 Agricultural Experiment Station
GRANTS-IN-AID**

82-2415 Institutional Support	<u>\$101,667,000</u>
Subtotal General Operations	<u>\$101,667,000</u>

Less:

General Services Income	\$27,503,000
Special Funds Income	26,261,000
Federal Research and Extension Funds Income	7,324,000
Employee Fringe Benefits.....	14,303,000
Total Income Deductions	<u>\$75,391,000</u>
Total Grants-in-Aid Appropriation, Agricultural Experiment Station	<u>\$26,276,000</u>

Grants-in-Aid:

82 Rutgers Equine Science Center Operating Support	(\$95,000)
82 New Jersey Agricultural Experiment Station.....	(3,000,000)
82 New Jersey Agricultural Experiment Station - Tick Research and Control	(250,000)
82 Solar Energy and Agricultural Production Demonstration Project	(2,000,000)
82 New Jersey Agricultural Experiment Station - Rutgers University	(96,322,000)

Less:

Income Deductions..... 75,391,000

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	\$227,221,000
Subtotal General Operations	<u>\$227,221,000</u>

Less:

General Services Income	\$118,860,000
Auxiliary Funds Income	4,166,000
Special Funds Income	53,123,000
Employee Fringe Benefits	25,412,000
Total Income Deductions	<u>\$201,561,000</u>
Total Grants-in-Aid Appropriation, Rutgers, The State University - Camden	<u>\$25,660,000</u>

Grants-in-Aid:

82 Clinical Legal Programs for the Poor, Rutgers Law School	(\$200,000)
82 Outcomes-Based Allocation	(3,455,000)
82 Rowan University - Rutgers Camden Board of Governors, Rutgers - Camden School of Business	(3,000,000)
82 Rowan University - Rutgers Camden Board of Governors Health Initiatives	(2,000,000)
82 Focus on Student Mental Health and Wellbeing	(420,000)
82 Rutgers Camden Business School - Center for Real Estate	(150,000)
82 Rutgers Camden Law School - Legal Assistance for Tenants	(575,000)
82 Rutgers, The State University - Camden	(217,421,000)

Less:

Income Deductions	201,561,000
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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>\$497,589,000</u>
Subtotal General Operations	<u>\$497,589,000</u>

Less:

General Services Income	\$291,841,000
Auxiliary Funds Income	8,322,000
Special Funds Income	102,890,000
Employee Fringe Benefits.....	54,505,000
Total Income Deductions	<u>\$457,558,000</u>
Total Grants-in-Aid Appropriation, Rutgers, The State University - Newark	<u>\$40,031,000</u>

Grants-in-Aid:

82 Clinical Legal Programs for the Poor - Rutgers Law School	(\$200,000)
82 Outcomes -Based Allocation	(6,829,000)
82 Scholarship and Transformative Education in Prison Program.....	(2,250,000)
82 Rutgers Newark Law School - Legal Assistance for Tenants	(575,000)
82 Rutgers Newark Business School - Center for Real Estate	(350,000)
82 Rutgers, The State University - Newark	(487,385,000)

Less:

Income Deductions.....	<u>457,558,000</u>
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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 - Newark shall be 1,086.

2430 New Jersey Institute of Technology**GRANTS-IN-AID**

82-2430 Institutional Support	<u>\$472,622,000</u>
Subtotal General Operations	<u>\$472,622,000</u>

Less:

General Services Income	\$210,915,000
Auxiliary Funds Income	13,849,000
Special Funds Income	157,952,000
Employee Fringe Benefits.....	47,042,000
Total Income Deductions	<u>\$429,758,000</u>
Total Grants-in-Aid Appropriation, New Jersey Institute of Technology	<u>\$42,864,000</u>

Grants-in-Aid:

82 Medical Devices Innovation Cluster	(\$3,700,000)
82 Outcomes-Based Allocation	(4,579,000)
82 New Jersey Institute of Technology	(464,343,000)

Less:

Income Deductions429,758,000

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 1,313.

2440 Thomas Edison State University
GRANTS-IN-AID

82-2440 Institutional Support \$76,668,000
Subtotal General Operations \$76,668,000

Less:

General Services Income\$50,483,000
Special Funds Income3,426,000
Employee Fringe Benefits..... 12,745,000
State-Supported Facilities Costs1,670,000
Total Income Deductions \$68,324,000
Total Grants-in-Aid Appropriation, Thomas Edison State
University \$8,344,000

Grants-in-Aid:

82 Outcomes-Based Allocation..... (\$3,214,000)
82 Thomas Edison State University (72,454,000)
82 National Guard Tuition Waiver Reimbursement (1,000,000)

Less:

Income Deductions68,324,000

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Thomas Edison State University shall be 323.

2445 Rowan University
GRANTS-IN-AID

82-2445 Institutional Support \$706,117,000
Subtotal General Operations \$706,117,000

Less:

General Services Income\$299,598,000
Auxiliary Funds Income38,470,000
Special Funds Income160,910,000
Employee Fringe Benefits..... 74,536,000
Total Income Deductions..... \$573,514,000
Total Grants-in-Aid Appropriation, Rowan University \$132,603,000

Grants-in-Aid:

82 Outcomes-Based Allocation..... (\$7,874,000)
82 Rowan University (606,267,000)
82 Child Abuse Research Education
and Service Institute (2,700,000)

82	Camden Opioid Research Initiative	(1,000,000)
82	Cooper Medical School of Rowan University	(11,550,000)
82	Cooper Medical School - Cooper University Hospital Support	(29,297,000)
82	Cooper University Hospital - Population Health and Joint Board	(500,000)
82	School of Osteopathic Medicine	(37,929,000)
82	School of Veterinary Medicine	(7,000,000)
82	Center for Research and Education in Advanced Transportation Engineering Systems	(2,000,000)

Less:

Income Deductions..... 573,514,000

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Rowan University shall be 1,898.

For the purpose of implementing the appropriations act for the current fiscal year, the fringe benefits for 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	<u>\$156,284,000</u>
	Subtotal General Operations	<u>\$156,284,000</u>

Less:

General Services Income	\$35,510,000
A.H. Moore Program Receipts.....	5,500,000
Auxiliary Funds Income	1,065,000
Special Funds Income	47,278,000
Employee Fringe Benefits.....	35,657,000
Total Income Deductions	<u>\$125,010,000</u>
Total Grants-in-Aid Appropriation, New Jersey City University	
	<u>\$31,274,000</u>

Grants-in-Aid:

82	Fort Monmouth Campus	(\$3,000,000)
82	Outcomes-Based Allocation	(4,338,000)
82	New Jersey City University	(148,596,000)
82	Urban Policy Institute	(350,000)

Less:

Income Deductions..... 125,010,000

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>\$259,375,000</u>
Subtotal General Operations	<u>\$259,375,000</u>

Less:	
General Services Income	\$153,777,000
Auxiliary Funds Income	22,469,000
Special Funds Income	4,717,000
Employee Fringe Benefits	36,967,000
Total Income Deductions	<u>\$217,930,000</u>
Total Grants-in-Aid Appropriation, Kean University	<u>\$41,445,000</u>

Grants-in-Aid:

82 Outcomes-Based Allocation	(\$7,311,000)
82 Kean University	(252,064,000)

Less:	
Income Deductions	217,930,000

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>\$215,880,000</u>
Subtotal General Operations	<u>\$215,880,000</u>

Less:	
General Services Income	\$74,981,000
Auxiliary Funds Income	16,902,000
Special Funds Income	42,378,000
Employee Fringe Benefits	44,667,000
Total Income Deductions	<u>\$178,928,000</u>
Total Grants-in-Aid Appropriation, William Paterson University of New Jersey	<u>\$36,952,000</u>

Grants-in-Aid:

82 Outcomes-Based Allocation	(\$5,303,000)
82 William Paterson University of New Jersey	(208,577,000)
82 Child Development Center	(2,000,000)

Less:	
Income Deductions	178,928,000

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	<u>\$449,708,000</u>
Subtotal General Operations	<u>\$449,708,000</u>

Less:

General Services Income	\$155,718,000
Auxiliary Funds Income	59,209,000
Special Funds Income	114,170,000
Employee Fringe Benefits	57,948,000
Total Income Deductions	\$387,045,000
Total Grants-in-Aid Appropriation, Montclair State University	<u>\$62,663,000</u>

Grants-in-Aid:

82 Outcomes-Based Allocation	(\$10,123,000)
82 Montclair State University	(439,585,000)

Less:

Income Deductions	387,045,000
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For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Montclair State University shall be 1,316.

2470 The College of New Jersey
GRANTS-IN-AID

82-2470 Institutional Support	<u>\$269,463,000</u>
Subtotal General Operations	<u>\$269,463,000</u>

Less:

General Services Income	\$114,412,000
Auxiliary Funds Income	58,279,000
Special Funds Income	28,384,000
Employee Fringe Benefits	38,326,000
Total Income Deductions	\$239,401,000
Total Grants-in-Aid Appropriation, The College of New Jersey	<u>\$30,062,000</u>

Grants-in-Aid:

82 Outcomes-Based Allocation	(\$2,491,000)
82 The College of New Jersey	(266,972,000)

Less:

Income Deductions	239,401,000
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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 College of New Jersey shall be 859.

2475 Ramapo College of New Jersey
GRANTS-IN-AID

82-2475 Institutional Support	<u>\$154,151,000</u>
Subtotal General Operations	<u>\$154,151,000</u>

Less:

General Services Income	\$63,304,000
Auxiliary Funds Income	29,359,000
Special Funds Income	16,769,000
Employee Fringe Benefits.....	24,475,000
Total Income Deductions.....	\$133,907,000
Total Grants-in-Aid Appropriation, Ramapo College of New Jersey	<u>\$20,244,000</u>

Grants-in-Aid:

82 Outcomes-Based Allocation.....	(\$2,330,000)
82 Property Disposition Support.....	(700,000)
82 Ramapo College of New Jersey	(151,121,000)

Less:

Income Deductions	133,907,000
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For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Ramapo College of New Jersey shall be 573.

2480 Stockton University

GRANTS-IN-AID

82-2480 Institutional Support	<u>\$269,712,000</u>
Subtotal General Operations	<u>\$269,712,000</u>

Less:

Receipts from Tuition Increase.....	\$2,371,000
General Services Income	144,996,000
Auxiliary Funds Income	17,760,000
Special Funds Income	28,800,000
Employee Fringe Benefits.....	43,127,000
Total Income Deductions	<u>\$237,054,000</u>
Total Grants-in-Aid Appropriation, Stockton University	<u>\$32,658,000</u>

Grants-in-Aid:

82 Outcomes-Based Allocation.....	(\$4,258,000)
82 Stockton University.....	(260,842,000)
82 Stockton University Atlantic City Campus.....	(4,612,000)

Less:

Income Deductions	237,054,000
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For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Stockton University shall be 1,069.

2485 University Hospital

GRANTS-IN-AID

82-2485 Institutional Support	<u>\$73,745,000</u>
Total Grants-in-Aid Appropriation, University Hospital	<u>\$73,745,000</u>

Grants-in-Aid:

82 University Hospital	(\$42,745,000)
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82	City of Newark Emergency Medical Services	(2,000,000)
82	Capital Growth Projects	(28,500,000)
82	Planning and Design Program	(500,000)

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at University Hospital shall be 3,500.

In addition to the amount hereinabove appropriated for University Hospital, an amount not to exceed \$8,000,000 is appropriated to support expenditures related to the Clinical Service Agreement between University Hospital and Rutgers, The State University, subject to the approval of the Director of the Division of Budget and Accounting.

HIGHER EDUCATION 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 amounts 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 amounts 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.

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 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 equal monthly installments on the last business day of each month.

Notwithstanding the provisions 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 sum 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.

Of the amounts hereinabove appropriated for University Hospital and Cooper Medical School - Cooper University Hospital Support, the Director of the Division of Budget and Accounting may transfer such amounts as are determined to be necessary to the Division of Medical Assistance and Health Services to maximize federal Medicaid funds.

Funds appropriated to Rutgers University for purposes of medical education are authorized to be used as necessary by the Director of the Division of Budget and Accounting and the Division of Medical Assistance and Health Services, consistent with CMS guidelines, solely to maximize federal Medicaid payments to faculty physicians and non-physician professionals who are affiliated with the aforementioned respective medical schools.

Funds appropriated to Rowan University for purposes of medical education at Cooper Medical School of Rowan University and the Rowan School of Osteopathic Medicine are authorized to be used as necessary by the Director of the Division of Budget and Accounting and the Division of Medical Assistance and Health Services, consistent with CMS guidelines, solely to maximize federal Medicaid payments to faculty physicians and non-physician professionals who are affiliated with the aforementioned respective medical schools.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for the Outcomes-Based Allocation program in each of the senior public institutions of higher education shall be allocated and distributed to eligible senior public institutions based on a funding rationale determined by the Secretary of the Office of Higher Education, in consultation with the New Jersey Presidents Council, which shall be based upon the following criteria along with any other requirements the Secretary determines to be appropriate in order to advance equity and improve student outcomes, subject to the approval of the Director of the Division of Budget and Accounting: (1) the total number of degrees awarded by the institution, (2) the number of degrees awarded by the institution to individuals from underrepresented ethnic and racial minority groups, and (3)

the number of students at the institution who receive Pell grants; provided further, however, that institutions receiving awards shall be required to: (a) adopt and publicly offer a predictable pricing guarantee to all full-time undergraduate students enrolling in the fall of 2022 that ensures that each such student with a family adjusted gross income of up to \$65,000 will receive enough financial aid from a combination of State, federal, institutional, and other grants or scholarships to eliminate the net cost of tuition and mandatory fees for the student for the third and fourth years of the student's enrollment at the institution, except that if the amount of the Fiscal Year 2022 appropriation for Outcomes Based Allocation that is in addition to the appropriation provided for Outcomes Based Allocation in the prior fiscal year are insufficient to cover the cost of the predictable pricing guarantee, the institution may submit to the Secretary of the Office of Higher Education for approval an alternative predictable pricing guarantee which utilizes a lower family adjusted gross income threshold or which ensures enough financial aid to partially offset the net cost of tuition and mandatory fees for a student's third and fourth years of enrollment at the institution, provided that such alternative predictable pricing guarantee shall be available to full-time undergraduate students newly enrolling in the fall of 2022. An institution receiving funds shall submit an expenditure plan, subject to the approval of the Director of Budget and Accounting, demonstrating that the amount of the Fiscal Year 2022 appropriation for Outcomes Based Allocation that is in addition to the appropriation provided for Outcomes Based Allocation in the prior fiscal year are sufficient to cover the cost of the predictable pricing guarantee or alternative pricing guarantee; (b) develop sliding-scale net prices for other students who have higher incomes to complement this pricing guarantee, consistent with a predictable pricing structure throughout the length of these students' academic program, (c) adopt a Financial Aid Shopping Sheet for all undergraduate students, (d) share program-level spending information to assist in the distribution of future funding, and (e) participate in good faith discussions led by the Secretary to improve future distribution of funding to institutions consistent with State priorities, subject to the approval of the Director of the Division of Budget and Accounting. Beginning with the data for academic year 2020-2021, each four-year institution shall report to the Secretary of Higher Education and the Higher Education Student Assistance Authority, at an individual student unit record level, the amount of institutional aid granted to each undergraduate student.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amounts hereinabove appropriated for Higher Educational Services - Institutional Support, there is appropriated an amount not to exceed \$1,000,000 for institutions participating in the New Jersey Civic Information Consortium to advance research and innovation in the field of media and technology to benefit the State, subject to the approval of the Director of the Division of Budget and Accounting.

37 Cultural and Intellectual Development Services**2541 Division of State Library****DIRECT STATE SERVICES**

51-2541 Library Services	<u>\$5,403,000</u>
Total Direct State Services Appropriation, Division of State Library	<u>\$5,403,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages	(\$4,298,000)
Materials and Supplies.....	(410,000)
Services Other Than Personal.....	(193,000)
Maintenance and Fixed Charges.....	(27,000)

Special Purpose:

51 Supplies and Extended Services.....	(475,000)
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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 equal monthly installments, on the last business day of each month.

STATE AID

51-2541 Library Services	<u>\$9,275,000</u>
(From General Fund.....	\$4,299,000)
(From Property Tax Relief Fund.....	4,976,000)
Total State Aid Appropriation, Division of State Library	<u>\$9,275,000</u>
(From General Fund.....	\$4,299,000)
(From Property Tax Relief Fund.....	4,976,000)

State Aid:

51 Per Capita Library Aid (PTRF).....	(\$4,676,000)
51 Paramus Public Library (PTRF).....	(300,000)
51 Library Network.....	(4,299,000)

37 Cultural and Intellectual Development Services**DIRECT STATE SERVICES**

05-2530 Support of the Arts	\$405,000
06-2535 Museum Services	2,237,000
07-2540 Development of Historical Resources	<u>928,000</u>
Total Direct State Services Appropriation, Cultural and Intellectual Development Services	<u>\$3,570,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages	(\$2,590,000)
Materials and Supplies.....	(91,000)
Services Other Than Personal.....	(296,000)

Maintenance and Fixed Charges.....(93,000)

Special Purpose:

07 New Jersey Historical Commission - Celebration
of America.....(500,000)

GRANTS-IN-AID

05-2530 Support of the Arts \$61,050,000

07-2540 Development of Historical Resources 8,263,000

Total Grants-in-Aid Appropriation, Cultural and
Intellectual Development Services \$69,313,000

Grants-in-Aid:

05 Cultural Projects(\$31,900,000)

05 Capital Philharmonic of New Jersey.....(100,000)

05 Count Basie Center for the Arts.....(50,000)

05 Newark Symphony Hall Infrastructure Project.....(5,000,000)

05 Jersey City - Arts Museum Project(24,000,000)

07 Battleship New Jersey Museum.....(1,250,000)

07 Historic New Bridge Landing Park Commission.....(1,300,000)

07 New Jersey Women Vote - Alice Paul Institute.....(113,000)

07 New Jersey Historical Commission -
Agency Grants.....(5,500,000)

07 New Jersey Council for the Humanities.....(100,000)

Of the amount hereinabove appropriated for Cultural Projects, an amount not to exceed \$500,000 may be used for administrative purposes, including but not limited to 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 Center for the Arts.

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 \$300,000 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	\$9,036,000
02-2510 Business Action Center	22,552,000
08-2545 State Archives.....	1,157,000
25-2525 Election Management and Coordination	<u>4,224,000</u>
Total Direct State Services Appropriation, General	
Government Services.....	<u>\$36,969,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$5,949,000)
Materials and Supplies.....	(123,000)
Services Other Than Personal.....	(549,000)
Maintenance and Fixed Charges.....	(17,000)

Special Purpose:

01 Office of Volunteerism	(79,000)
01 Office of Programs.....	(717,000)
01 Martin Luther King, Jr. Commemorative Commission.....	(240,000)
01 Business Marketing Initiative	(5,000,000)
02 New Jersey Small Business Development Centers ..	(1,000,000)
02 Office of Economic Growth.....	(1,304,000)
02 New Jersey Motion Picture Commission.....	(500,000)
02 Travel and Tourism Advertising and Promotion....	(17,600,000)
02 New Jersey Israel Commission	(350,000)
25 Help America Vote Act.....	(3,541,000)

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.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Business Marketing Initiative shall be used to pay for the costs of developing and implementing a marketing program to highlight the benefits of doing business in the State of New Jersey and to encourage national and international business entities to relocate and expand in New Jersey, pursuant to a competitively awarded contract between the Department of State and a non-profit entity with expertise in economic development, 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	\$5,245,000
02-2510 Business Action Center	2,000,000
25-2525 Election Management and Coordination	<u>2,000,000</u>

Total Grants-in-Aid Appropriation, General

Government Services	<u>\$9,245,000</u>
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Grants-in-Aid:

01 Office of Programs.....	(\$1,350,000)
01 Center for Hispanic Policy, Research and Development.....	(3,175,000)
01 Cultural Trust.....	(720,000)
02 New Jersey Manufacturing Extension Program, Inc.....	(2,000,000)
25 Electronic Registration Information Center	(2,000,000)

Of the amount hereinabove appropriated for the Office of Programs, an amount not to exceed 10% 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	<u>\$32,030,000</u>
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Total State Aid Appropriation, General

Government Services	<u>\$32,030,000</u>
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State Aid:

25 Extended Polling Place Hours.....	(\$7,030,000)
25 County Election Boards Mail in Ballots	(5,000,000)
25 Early Voting Implementation	(20,000,000)

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.

In addition to the amount hereinabove appropriated for Early Voting Implementation, there are appropriated such additional amounts as may be required to fulfill the requirements of P.L.2021, c.40, subject to the approval of the Director of the Division of Budget and Accounting. Further, the unexpended balance 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.

Department of State, Total State Appropriation..... \$1,722,340,000

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)

<i>Appropriations by Category:</i>	
Direct State Services.....	\$55,064,000
Grants-in-Aid.....	1,625,971,000
State Aid.....	41,305,000
<i>Appropriations by Fund:</i>	
General Fund	\$1,717,364,000
Property Tax Relief Fund	4,976,000

78 DEPARTMENT OF TRANSPORTATION

10 Public Safety and Criminal Justice

11 Vehicular Safety

DIRECT STATE SERVICES

01 Motor Vehicle Services	<u>\$10,000,000</u>
Total Direct State Services Appropriation, Vehicular Safety	<u>\$10,000,000</u>

Direct State Services:

Special Purpose:

01 MVC Surcharge Bonds - Debt Service	(\$10,000,000)
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Notwithstanding the provisions of any law or regulation to the contrary, monies received in the "Commercial Vehicle Enforcement Fund" established pursuant to section 17 of P.L.1995, c.157 (C.39:8-75) are appropriated to offset all reasonable and necessary expenses of the Division of State Police, the 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.

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 Interdepartmental Property Rentals and Household and Security accounts, \$5,150,000 is appropriated for transfer to the Department of Transportation, \$5,800,000 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, \$800,000 is appropriated for transfer to the Department of Environmental Protection and \$519,000 is appropriated for transfer to the Department of the Treasury for Property Management and Construction - Property Management Services. 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, \$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.

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 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.

There are appropriated from the "Unsafe Driving Surcharges Fund" established pursuant to section 5 of P.L.2004, c.70 (C.34:1B-21.27), all amounts on deposit in such fund as required under the contract between the State Treasurer and the New Jersey Economic Development Authority entered into pursuant to section 7 of P.L.2004, c.70 (C.34:1B-21.29).

There are appropriated from the "Division of Motor Vehicles Surcharge Fund" established pursuant to section 12 of P.L.1994, c.57 (C.34:1B-21.12), all amounts on deposit in such fund as required under the contract between the State Treasurer

and the New Jersey Economic Development Authority entered into pursuant to section 7 of P.L.2004, c.70 (C.34:1B-21.29).

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amounts hereinabove appropriated for MVC Surcharge Bonds - Debt Service, there are appropriated such additional amounts, as determined by the Director of the Division of Budget and Accounting, as are required to pay debt service on the bonds issued pursuant to P.L.2004, c.70 (C.34:1B-21.23 et seq.), as amended.

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.

Notwithstanding the provisions of section 105 of P.L.2003, c.13 (C.39:2A-36) or any law to the contrary, \$33,500,000 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.

60 Transportation Programs
61 State and Local Highway Facilities
DIRECT STATE SERVICES

06-6100 Maintenance and Operations	\$36,635,000
08-6120 Physical Plant and Support Services	<u>4,641,000</u>
Total Direct State Services Appropriation, State and Local Highway Facilities	<u>\$41,276,000</u>

Direct State Services:

Personal Services:	
Salaries and Wages	(\$21,522,000)
Materials and Supplies.....	(10,957,000)
Services Other Than Personal.....	(1,792,000)
Maintenance and Fixed Charges.....	(7,005,000)

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 amounts 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.

Receipts in excess of the amount anticipated from Casualty Losses are appropriated for transportation purposes, subject to the approval of the Director of the Division of Budget and Accounting. The unexpended balance at the end of the preceding fiscal year is appropriated for the same purpose.

Of the amount hereinabove appropriated for Maintenance and Operations, \$10,400,000 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, \$1,900,000 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 section 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.

Notwithstanding the provisions of any law or regulation to the contrary, amounts collected from fees for sponsorship programs pursuant to P.L.2013, c.130 (C.27:7-44.18 et seq.) are appropriated to the Department of Transportation for highway purposes, subject to the approval of the Director of the Division of Budget and Accounting; provided, however, that sponsorship acknowledgement and the use

of such funds shall be subject to applicable requirements promulgated by the Federal Highway Administration. The unexpended balance at the end of the preceding fiscal year is appropriated for the same purpose.

Notwithstanding the provisions of section 3 of P.L.2013, c.86 (C.39:4-88.2) or any other law or regulation to the contrary, amounts collected from the surcharge imposed on each person found guilty of a violation of R.S.39:4-82 or R.S.39:4-88 in excess of the amount determined by the Commissioner of Transportation to be necessary 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 are appropriated for graffiti and litter removal activities, including public service campaigns for graffiti and litter removal, 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 is appropriated for the same purpose.

GRANTS-IN-AID

71-6200 Capital Program Management	\$13,500,000
Total Grants-in-Aid Appropriation,	
State and Local Highway Facilities	\$13,500,000

Grants-in-Aid:

71 Local Aid and Economic Development Grants.... (\$13,500,000)

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Local Aid and Economic Development Grants shall be used to provide funds for the Safe Streets to Transit Program, Bicycle & Pedestrian Facilities/Accommodations, and Transit Village Program, as determined by the Commissioner of Transportation, subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

71-6200 Capital Program Management	<u>\$79,550,000</u>
(From Property Tax Relief Fund.....	\$79,550,000)
Total State Aid Appropriation,	
State and Local Highway Facilities	<u>\$79,550,000</u>
(From Property Tax Relief Fund.....	\$79,550,000)

State Aid:

- 71 Pedestrian Safety Grants (PTRF)..... (\$1,800,000)
- 71 Brown Avenue/Route 206, Hillsborough -
Large Truck Bypass (PTRF)..... (500,000)
- 71 Route 46 E/NJ Turnpike Merger -
Traffic Study and Remediation (PTRF) (250,000)
- 71 Local Transportation Projects Fund (PTRF)..... (75,000,000)
- 71 Ferry Terminal Support - Carteret (PTRF) (1,000,000)
- 71 Ferry Terminal Support - South Amboy (PTRF)..... (1,000,000)

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Pedestrian Safety Grants shall be used to provide

grants to local units for new, improved, or expanded pedestrian safety programs pursuant to a competitive process administered by the Department of Transportation, 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 Local Transportation Projects Fund shall be used to provide grants to local units for transportation projects and pedestrian safety programs pursuant to a process administered by the Department of Transportation, subject to the approval of the Director of the Division of Budget and Accounting.

CAPITAL CONSTRUCTION

60-6200 Transportation Trust Fund Authority	<u>\$1,540,799,000</u>
(From General Fund.....)	<u>\$1,340,799,000)</u>
(From Property Tax Relief Fund.....)	<u>200,000,000)</u>
Total Capital Construction Appropriation,	
State and Local Highway Facilities	<u>\$1,540,799,000</u>
(From General Fund.....)	<u>\$1,340,799,000)</u>
(From Property Tax Relief Fund	<u>200,000,000)</u>

Capital Projects:

60 Transportation Trust Fund – Subaccount	
for Debt Service for Prior Bonds.....	(\$934,607,000)
60 Transportation Trust Fund – Subaccount	
for Debt Service for Prior Bonds (PTRF).....	(200,000,000)
60 Transportation Trust Fund – Subaccount	
for Debt Service for Transportation	
Program Bonds.....	(406,192,000)

The amount hereinabove appropriated for the Transportation Trust Fund Subaccount for Debt Service for Prior Bonds and the Transportation Trust Fund Subaccount for Debt Service for Transportation Program Bonds shall be provided from the following revenues: (i) \$474,000,000 from motor fuels taxes, which are hereby appropriated for such purposes pursuant to Article VIII, Section II, paragraph 4 of the State Constitution; (ii) \$854,799,000 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) \$200,000,000 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 current fiscal year 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 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 New Jersey 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 for the Transportation Program Bonds or the Prior Bonds shall be reduced by such corresponding amounts.

Revenues dedicated for transportation purposes pursuant to Article VIII, Section II, paragraph 4 of the State Constitution in excess of the amounts of such dedicated revenue appropriated to the Transportation Trust Fund Subaccount for Debt Service for Prior Bonds, Transportation Trust Fund Subaccount for Debt Service for Transportation Program Bonds, for bond reserve requirements or for other fiscal obligations of the New Jersey Transportation Trust Fund Authority are hereby appropriated to the Transportation Trust Fund Subaccount for Capital Reserves.

Notwithstanding the provisions of any law or regulation to the contrary, the Department of Transportation is authorized to use monies in the Transportation Trust Fund Subaccount for Capital Reserves for 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. Subject to the receipt of federal funds, the Transportation Trust Fund Subaccount for Capital Reserves may be reimbursed for all monies that were transferred to advance federally funded projects, 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 Department of Transportation and the New Jersey Transit Corporation, upon approval of the Director of the Division of Budget and Accounting, may use Special Transportation Fund monies to support contracted Transportation Trust Fund projects until such time as revenues and other funds of the New Jersey Transportation Trust Fund Authority become available for those projects. Subject to the receipt of those revenues and other funds of the authority, the Special Transportation Fund shall be reimbursed for all the monies that were used to advance Transportation Trust Fund projects.

Notwithstanding the provisions of any law or regulation to the contrary, monies deposited into the Transportation Trust Fund Subaccount for Capital Reserves may be transferred to the Transportation Trust Fund Subaccount for Debt Service for Prior Bonds and Transportation Trust Fund Subaccount for Debt Service for Transportation Program Bonds to satisfy current year debt service, bond reserve requirements, and other fiscal obligations of the New Jersey Transportation Trust Fund Authority, 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, 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 the DOT and the DEP or other governmental entity, as applicable.

Notwithstanding the provisions of P.L.1984, c.73 (C.27:1B-1 et seq.) or any law or regulation to the contrary, there is appropriated the sum of \$1,240,000,000 from the revenues and other funds of the New Jersey Transportation Trust Fund Authority, and from the amounts on deposit in the Transportation Trust Fund Subaccount for Capital Reserves, for capital purposes as follows:

Department of Transportation

Description	County	Amount
Acquisition of Right of Way	Various	(\$500,000)
ADA Central, Contract 3	Somerset, Middlesex, Hunterdon, Warren	(300,000)
ADA Curb Ramp Implementation	Various	(2,000,000)
ADA South, Contract 5	Atlantic, Gloucester	(50,000)
Aeronautics UAS Program	Various	(500,000)
Airport Improvement Program	Various	(4,000,000)
Betterments, Dams	Various	(300,000)
Betterments, Roadway Preservation	Various	(17,786,000)
Betterments, Safety	Various	(14,229,000)
Bicycle & Pedestrian		
Facilities/Accommodations	Various	(1,000,000)
Bridge and Structure Inspection,		
Miscellaneous	Various	(450,000)
Bridge Emergency Repair	Various	(80,000,000)
Bridge Inspection Program, Minor Bridges	Various	(7,826,000)
Bridge Maintenance and Repair, Movable		
Bridges	Various	(25,346,000)
Bridge Preventive Maintenance	Various	(35,573,000)
Bridge Replacement, Future Projects	Various	(5,695,000)
Bridge Scour Countermeasures	Various	(200,000)
Congestion Relief, Intelligent		
Transportation System Improvements		
(Smart Move Program)	Various	(3,000,000)
Construction Inspection	Various	(13,000,000)
Construction Program IT System		
(TRNS.PORT)	Various	(2,300,000)
Culvert Replacement Program	Various	(4,000,000)
Design, Emerging Projects	Various	(20,000,000)
Design, Geotechnical Engineering Tasks	Various	(500,000)
Drainage Rehabilitation and Maintenance,		
State	Various	(24,500,000)
Duck Island Landfill, Site Remediation	Mercer	(100,000)
Electrical Facilities	Various	(6,225,000)
Electrical Load Center Replacement,		
Statewide	Various	(4,998,000)

Emergency Management and Transportation Security Support	Various	(1,500,000)
Environmental Investigations	Various	(7,500,000)
Environmental Project Support	Various	(1,200,000)
Equipment (Vehicles, Construction, Safety)	Various	(22,233,000)
Equipment, Snow and Ice Removal	Various	(7,115,000)
Guidrail Upgrade	Various	(1,000,000)
Interstate Service Facilities	Various	(1,580,000)
Job Order Contracting Infrastructure Repairs, Statewide	Various	(26,680,000)
Legal Costs for Right of Way Condemnation	Various	(1,600,000)
Lincoln Tunnel Access Project (LTAP)	Hudson, Essex	(65,000,000)
Local Aid Grant Management System	Various	(200,000)
Local Aid, Infrastructure Fund	Various	(7,500,000)
Local Aid, State Transportation Infrastructure Bank	Various	(22,600,000)
Local Bridges, Future Needs	Various	(47,300,000)
Local County Aid, DVRPC	Various	(32,636,053)
Local County Aid, NJTPA	Various	(105,521,981)
Local County Aid, SJTPO	Various	(23,091,966)
Local Freight Impact Fund	Various	(30,100,000)
Local Municipal Aid, DVRPC	Various	(29,201,573)
Local Municipal Aid, NJTPA	Various	(108,435,707)
Local Municipal Aid, SJTPO	Various	(13,612,720)
Local Municipal Aid, Urban Aid	Various	(10,000,000)
Maintenance & Fleet Management System	Various	(3,000,000)
Maritime Transportation System	Various	(20,000,000)
Minority and Women Workforce Training Set Aside	Various	(1,500,000)
Mobility and Systems Engineering Program	Various	(2,500,000)
New Jersey Rail Freight Assistance Program	Various	(25,000,000)
Orphan Bridge Reconstruction	Various	(4,000,000)
Park and Ride/Transportation Demand Management Program	Various	(1,000,000)
Physical Plant	Various	(22,223,000)
Planning and Research, State	Various	(1,000,000)
Program Implementation Costs, NJDOT	Various	(108,240,000)
Project Development: Concept Development and Preliminary Engineering	Various	(4,447,000)
Project Management & Reporting System (PMRS)	Various	(1,500,000)

Project Management Improvement Initiative Support	Various	(3,000,000)
Rail-Highway Grade Crossing Program, State	Various	(2,900,000)
Regional Action Program	Various	(2,000,000)
Resurfacing Program	Various	(88,932,000)
Right of Way Database/Document Management System	Various	(500,000)
Right of Way Full-Service Consultant Term Agreements	Various	(50,000)
Route 7, Mill Street (CR 672) to Park Avenue (CR 646)	Essex	(500,000)
Route 22, Bridge over NJT Raritan Valley Line	Hunterdon	(2,000,000)
Route 23, NB Bridge over Pequannock River	Passaic	(100,000)
Route 29, Cass Street to Calhoun Street, Drainage	Mercer	(732,000)
Route 31 SB, CR 523 (Walter Foran Boulevard) to Wescott Drive (CR 600)	Hunterdon	(750,000)
Route 45, Bridge over Woodbury Creek	Gloucester	(1,000,000)
Route 47, Bridge over Menantico Creek	Cumberland	(300,000)
Route 50, Bridge over Cedar Swamp Creek	Cape May	(400,000)
Route 72, Manahawkin Bay Bridges, Contract 5A -Environmental Mitigation	Ocean	(455,000)
Route 82, Rahway River Bridge	Union	(500,000)
Route 94, Bridge over Jacksonburg Creek	Warren	(2,200,000)
Route 130, Bridge over Millstone River	Mercer, Middlesex	(100,000)
Route 202/206, over Branch of Peter's Brook, Culvert Replacement at MP 27.96	Somerset	(400,000)
Rowan University Fossil Park Roadway and Intersection Improvement at Woodbury Glassboro Road (CR 553)	Gloucester	(12,000,000)
Safe Streets to Transit Program	Various	(1,000,000)
Safety Programs	Various	(250,000)
Salt Storage Facilities - Statewide	Various	(3,000,000)
Sign Structure Inspection Program	Various	(2,100,000)
Signs Program, Statewide	Various	(3,470,000)
Smart and Connect Corridors Program	Various	(4,000,000)
Solid and Hazardous Waste Cleanup, Reduction and Disposal	Various	(2,330,000)
South Inlet Transportation Improvement Project	Atlantic	(1,504,000)
Staff Augmentation	Various	(10,500,000)
State Police Enforcement and Safety Services	Various	(7,000,000)

Title VI and Nondiscrimination Supporting Activities	Various	(175,000)
Traffic Monitoring Systems	Various	(1,490,000)
Traffic Signal Replacement	Various	(8,893,000)
Transit Village Program	Various	(1,000,000)
Transportation Research Technology	Various	(1,100,000)
Unanticipated Design, Right of Way and Construction Expenses, State	Various	(36,473,000)
Utility Reconnaissance and Relocation	Various	(2,500,000)

Notwithstanding the provisions of P.L.1984, c.73 (C.27:1B-1 et seq.) or any law or regulation to the contrary, there is appropriated the sum of \$760,000,000 from the revenues and other funds of the New Jersey Transportation Trust Fund Authority, and from the amounts on deposit in the Transportation Trust Fund Subaccount for Capital Reserves, for the specific projects identified as follows:

New Jersey Transit Corporation

Description	County	Amount
ADA-Platforms/Stations	Various	(\$1,000,000)
Bridge and Tunnel Rehabilitation	Various	(33,061,700)
Bus Acquisition Program	Various	(103,854,900)
Bus Passenger Facilities/Park and Ride	Various	(800,000)
Bus Support Facilities and Equipment	Various	(13,543,900)
Capital Program Implementation	Various	(22,630,000)
Environmental Compliance	Various	(3,000,000)
Ferry Program	Various	(6,499,700)
High Speed Track Program	Various	(1,000,000)
Immediate Action Program	Various	(10,099,800)
Light Rail Infrastructure Improvements	Various	(48,337,000)
Locomotive Overhaul	Various	(5,059,900)
Miscellaneous	Various	(500,000)
NEC Improvements	Various	(34,464,000)
Other Rail Station/Terminal Improvements	Various	(65,810,001)
Physical Plant	Various	(2,080,000)
Portal Bridge North	Various	(61,246,300)
Private Carrier Equipment Program	Various	(3,000,000)
Rail Rolling Stock Procurement	Various	(210,458,000)
Rail Support Facilities and Equipment	Various	(18,598,100)
Safety Improvement Program	Various	(3,200,000)
Section 5310 Program	Various	(1,750,000)
Section 5311 Program	Various	(100,000)
Security Improvements	Various	(3,810,000)
Signals and Communications/Electric Traction Systems	Various	(39,287,000)

Small/Special Services Program	Various	(1,473,000)
Study and Development	Various	(8,778,699)
Technology Improvements	Various	(36,308,000)
Track Program	Various	(18,000,000)
Transit Rail Initiatives	Various	(2,250,000)

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 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.

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 issuance 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 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 Super Storm 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.

The amount appropriated from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for the New Jersey Rail Freight Assistance Program in FY 2022 shall fund eligible project applications where the sponsor received funding for a related phase or portion of rail construction in any prior fiscal year before funding new projects that have not received prior funding under the program.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated to the Department of Transportation for transportation capital projects 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 Indirect Grant Anticipation Revenue Vehicles (Indirect GARVEE) Bonds. Federal funds received in conjunction with transportation capital projects are appropriated to the Authority to pay debt service and other costs related to the Indirect GARVEE Bonds.

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for the Local Aid Infrastructure Fund - State Transportation Infrastructure Bank Fund, an amount not to exceed \$2,600,000 is appropriated for the payment of operating expenses of the New Jersey Infrastructure

Bank for the purpose of administering the New Jersey Transportation Infrastructure Financing Program which provides loan assistance programs for local road projects, subject to the approval of the Director of the Division of Budget and Accounting.

62 Public Transportation
GRANTS-IN-AID

04-6050 Railroad and Bus Operations..... \$2,649,480,000

Subtotal Grants-in-Aid Appropriation, Public

Transportation \$2,649,480,000

Less:

Farebox Revenue..... **\$590,700,000**

Other Commercial Revenue..... **67,000,000**

Other Reimbursements..... **1,891,780,000**

Total Income Deductions \$2,549,480,000

Total Grants-in-Aid Appropriation, Public Transportation..... \$100,000,000

Grants-in-Aid:

Personal Services:

Salaries and Wages (\$1,588,041,000)

Materials and Supplies..... (319,104,000)

Services Other Than Personal..... (209,626,000)

Special Purpose:

04 Purchased Transportation..... (287,007,000)

04 Insurance and Claims (85,392,000)

04 Tolls, Taxes and Other Operating Expenses (160,310,000)

Less:

Income Deductions 2,549,480,000

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amount hereinabove appropriated for the New Jersey Transit Corporation, there are appropriated such amounts as are received from the New Jersey Turnpike Authority, pursuant to a contract between the New Jersey Turnpike Authority and the State for such transportation purposes.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amount hereinabove appropriated for the New Jersey Transit Corporation, there is appropriated \$82,089,000 from the Clean Energy Fund for utility costs associated with New Jersey Transit Corporation operations.

STATE AID

04-6050 Railroad and Bus Operations..... \$22,310,000

(From Property Tax Relief Fund..... \$22,310,000)

Total State Aid Appropriation, Public Transportation \$22,310,000

(From Property Tax Relief Fund..... \$22,310,000)

State Aid:

04 Transportation Assistance for Senior

Citizens and Disabled Residents (PTRF) (\$22,310,000)

Notwithstanding the provisions of subsection b. of section 4 of P.L.1983, c.578 (C.27:25-28) or any other law or regulation to the contrary, the amount hereinabove appropriated for Transportation Assistance for Senior Citizens and Disabled Residents is appropriated from the Property Tax Relief Fund, subject to the approval of the Director of the Division of Budget and Accounting.

Counties which provide paratransit 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 Authority 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 the 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 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.

64 Regulation and General Management
STATE SERVICES

05-6070 Multimodal Services.....	\$801,000
99-6000 Administration and Support Services	<u>735,000</u>
Total Direct State Services Appropriation, Regulation and General Management	<u>\$1,536,000</u>

Direct State Services:

Materials and Supplies.....	(\$105,000)
Services Other Than Personal.....	(713,000)
Maintenance and Fixed Charges.....	(5,000)
Special Purpose:	
05 Office of Maritime Resources.....	(248,000)
05 Airport Safety Administration.....	(465,000)

Receipts in excess of the amount anticipated 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.

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.

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 Airport Safety Administration 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.

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 \$1,808,971,000

Notwithstanding any law or regulation to the contrary, the Department of Transportation and the New Jersey Transit Corporation are directed and authorized to provide for the restoration and reclamation into open spaces and recreation parkland from functionally obsolescent transportation support facilities and properties, after any

and all contamination abatement, environmental remediation, and structural demolition has been completed.

Summary of Department of Transportation Appropriations
(For Display Purposes Only)

Appropriations by Category:

Direct State Services	\$52,812,000
Grants-in-Aid	113,500,000
State Aid	101,860,000
Capital Construction	1,540,799,000

Appropriations by Fund:

General Fund.....	\$1,507,111,000
Property Tax Relief Fund.....	301,860,000

82 DEPARTMENT OF THE TREASURY
30 Educational, Cultural, and Intellectual Development
36 Higher Educational Services
GRANTS-IN-AID

47-2155 Support to Independent Institutions.....	\$10,107,000
49-2155 Miscellaneous Higher Education Programs	<u>100,272,000</u>
Total Grants-in-Aid Appropriation, Higher Educational Services	<u>\$110,379,000</u>

Grants-in-Aid:

47 Aid to Independent Colleges and Universities.....	(\$6,000,000)
47 Clinical Legal Programs for the Poor - Seton Hall University	(195,000)
47 Seton Hall - Legal Assistance for Tenants	(850,000)
47 Fairleigh Dickinson University - Newark Campus Political Science Program	(250,000)
47 Caldwell University Art Therapy	(250,000)
47 Research Under Contract with the Institute of Medical Research, Camden	(1,537,000)
47 NJ Coastal Consortium for Resilient Communities	(500,000)
47 Bloomfield College - Residential Access Scholarship Program	(492,000)
47 Drew University - ADA Accessibility Study	(33,000)
49 Higher Education Capital Improvement Program - Debt Service	(69,204,000)
49 Equipment Leasing Fund - Debt Service	(7,639,000)
49 Higher Education Facilities Trust Fund - Debt Service	(19,697,000)
49 Higher Education Technology Bond - Debt Service	(3,732,000)

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 at the six State Colleges shall be 46,967 for fiscal year 2021.

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.

Notwithstanding the provision of any law or regulation to the contrary, in addition to the amount hereinabove appropriated for Aid to Independent Colleges and Universities, there is appropriated an amount not to exceed \$1,000,000 subject to requirements determined to be appropriate by the Secretary in accordance with the "Independent College and University Assistance Act," P.L.1979, c.132 (C.18A:72B-15 et seq.), and subject to the approval of the Director of the Division of Budget and Accounting.

The amount appropriated for NJ Coastal Consortium for Resilient Communities is conditioned on the following: the consortium shall include Monmouth University as a member school.

STATE AID

48-2155 Aid to County Colleges	<u>\$249,262,000</u>
<i>(From General Fund.....</i>	<i>\$23,800,000)</i>
<i>(From Property Tax Relief Fund.....</i>	<i>225,462,000)</i>
Subtotal State Aid Appropriation, Higher Educational	
Services	<u>\$249,262,000</u>
<i>(From General Fund.....</i>	<i>\$23,800,000)</i>
<i>(From Property Tax Relief Fund.....</i>	<i>225,462,000)</i>

Less:

Supplemental Workforce Fund – Basic Skills	\$23,800,000
Total Income Deductions	<u>\$23,800,000</u>
Total State Appropriation, Higher Educational Services	<u>\$225,462,000</u>
<i>(From Property Tax Relief Fund.....</i>	<i>\$225,462,000)</i>

State Aid:

48 Operational Costs.....	(\$23,800,000)
48 Operational Costs (PTRF).....	(120,323,000)
48 Debt Service for Chapter 12, P.L.1971, c.12 (N.J.S.18A:64A-22.1) (PTRF).....	(41,802,000)
48 Alternate Benefit Program - Employer Contributions (PTRF).....	(20,608,000)
48 Alternate Benefit Program - Non-contributory Insurance (PTRF)	(2,261,000)

48 Teachers' Pension and Annuity Fund - Non-contributory Insurance (PTRF)	(4,000)
48 Employer Contributions - Teachers' Pension and Annuity Fund (PTRF)	(129,000)
48 Teachers' Pension and Annuity Fund - Post Retirement Medical (PTRF)	(1,414,000)
48 Post Retirement Medical Other Than TPAF (PTRF)	(28,621,000)
48 Employer Contributions - FICA for County College Members of TPAF (PTRF)	(37,000)
48 Debt Service on Pension Obligation Bonds (PTRF)	(263,000)
48 Essex County College (PTRF)	(10,000,000)
Less:	
Income Deductions	23,800,000

In addition to the amount hereinabove appropriated for Operational Costs, there is appropriated \$23,800,000 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 amounts 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 amounts 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.

Such additional amounts 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, Affordable Care Act Fees, and Employer Contributions-FICA for County College Members of TPAF 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 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 N.J.S.18A:64A-22 et seq. or any other law or regulation to the contrary, \$10,000,000 of the amount hereinabove appropriated for

Operational Costs shall be allocated and distributed to the 18 county colleges predicated on the full implementation, without gradual phase-in, of a new funding distribution model for state Operational Costs based on factors including enrollment and completion of students, in consideration of the principles of the State Plan for Higher Education, with a priority given for low-income populations, underrepresented populations, and adults. The funding distribution model shall be recommended by the New Jersey Council of County Colleges and subject to approval by the Secretary of Higher Education.

50 Economic Planning, Development, and Security

51 Economic Planning and Development

DIRECT STATE SERVICES

38-2043 Economic Development	<u>\$1,000,000</u>
Total Direct State Services Appropriation, Economic Planning and Development.....	<u>\$1,000,000</u>

Direct State Services:

Special Purpose:

38 Office of Food Insecurity Advocate.....	(\$1,000,000)
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GRANTS-IN-AID

38-2043 Economic Development	<u>\$246,434,000</u>
Total Grants-in-Aid Appropriation, Economic Planning and Development.....	<u>\$246,434,000</u>

Grants-in-Aid:

38 Main Street Recovery Fund P.L.2020, c.156	(\$50,250,000)
38 New Jersey Commission on Science, Innovation & Technology.....	(4,700,000)
38 NJ Tech, Innovation, and Art Initiative.....	(2,000,000)
38 Small Business Bonding Readiness Assistance Fund, EDA.....	(500,000)
38 Economic Redevelopment and Growth Grants, EDA	(18,119,000)
38 Lending Partnerships.....	(25,000,000)
38 Black and Latino Seed Fund	(10,000,000)
38 NJ IGNITE.....	(1,000,000)
38 Food and Agriculture Innovation	(3,500,000)
38 Maternal Health Center Planning.....	(2,900,000)
38 Electrical and Transportation - Fort Monmouth.....	(12,500,000)
38 Economic Recovery Fund - Strategic Innovation Centers.....	(55,000,000)
38 Brownfield Site Reimbursement Fund	(60,965,000)

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.

Funds made available for the remediation of the discharges of hazardous substances pursuant to the amendments effective July 1, 2015, 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.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Black and Latino Seed Fund shall be deposited in the Economic Recovery Fund established pursuant to section 3 of P.L.1992, c.16 (C.34:1B-7.12) for use by the Economic Development Authority to increase access to capital for underrepresented ethnic and minority groups, 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 Lending Partnerships shall be deposited in the Economic Recovery Fund established pursuant to section 3 of P.L.1992, c.16 (C.34:1B-7.12) for use by the Economic Development Authority to fund lending programs including but not limited to Premier Lender, Premier CDFI, CDFI Loan to Lender, and CDFI Loan Loss Reserve Fund in support of collaborations between the public, non-profit, and private sector for business recovery and growth, subject to the approval of the Director of the Division of Budget and Accounting.

52 Economic Regulation

DIRECT STATE SERVICES

54-2008 Utility Regulation.....	\$5,739,000
55-2004 Regulation of Cable Television.....	1,899,000
88-2058 Energy Assistance Programs.....	1,865,000
97-2016 Regulatory Support Services.....	3,887,000
99-2003 Administration and Support Services.....	<u>13,477,000</u>

Total Direct State Services Appropriation, Economic Regulation	\$26,867,000
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Direct State Services:

Personal Services:	
Salaries and Wages	(\$23,119,000)
Materials and Supplies.....	(372,000)
Services Other Than Personal.....	(2,623,000)
Maintenance and Fixed Charges.....	(677,000)
Additions, Improvements and Equipment	(76,000)

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.

All revenue received in the CATV Universal Access Fund is appropriated for transfer to the General Fund as State revenue.

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) or any other law or regulation 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; and an additional amount, not to exceed \$30,000,000, is appropriated from receipts of the Clean Energy Fund to the Board of Public Utilities to establish a program to support the purchase and use of zero-emissions vehicles and infrastructure, 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 appropriated to pay the costs of the various programs of the Board of Public Utilities Clean Energy Program and Universal Service Fund.

There are appropriated from interest earned by the Petroleum Overcharge Reimbursement Fund such amounts 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 projects which have been completed or are no longer viable are reappropriated for new projects consistent with the court rulings which served as the basis for the original awards, subject to the approval of the Director of the Division of Budget and Accounting and the Director of the Office of Energy Savings.

The amounts hereinabove appropriated for the Energy Assistance Programs classification may be transferred to the Lifeline Programs accounts in the Department of Human Services 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.

GRANTS-IN-AID

54-2008 Utility Regulation.....	\$14,000,000
88-2058 Energy Assistance Programs	<u>63,085,000</u>
Total Grants-in-Aid Appropriation, Economic Regulation.....	<u>\$77,085,000</u>

Grants-in-Aid:

54 Electric Vehicle Infrastructure	(\$14,000,000)
88 Payments for Lifeline Credits	(26,901,000)
88 Tenants' Assistance Rebate Program.....	(36,184,000)

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Payments for Lifeline Credits and the Tenants' Assistance Rebate Program are available for the payment of obligations applicable to prior fiscal years.

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.

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 amounts hereinabove appropriated for Payments for Lifeline Credits and the Tenants' Assistance Rebate Program, such amounts 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 for Payments for Lifeline Credits and the Tenants' Assistance Rebate Program are available to the Department of Human Ser-

vices 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	\$920,000
07-2040 Office of Management and Budget	<u>12,694,000</u>
Total Direct State Services Appropriation, Governmental Review and Oversight	<u>\$13,614,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$11,478,000)
Materials and Supplies.....	(125,000)
Services Other Than Personal.....	(1,330,000)
Maintenance and Fixed Charges.....	(6,000)

Special Purpose:

07 Independent Audits	(675,000)
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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).

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.

2066 Office of the State Comptroller

DIRECT STATE SERVICES

08-2066 Office of the State Comptroller	<u>\$8,655,000</u>
Total Direct State Services Appropriation, Office of the State Comptroller	<u>\$8,655,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$7,193,000)
Materials and Supplies.....	(39,000)
Services Other Than Personal.....	(1,323,000)

Maintenance and Fixed Charges.....(49,000)

Additions, Improvements and Equipment(51,000)

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 \$133,571,000

17-2105 Administration of State Revenues and Enterprise Services..... 41,391,000

19-2120 Management of State Investments..... 2,349,000

25-2095 Administration of Casino Gambling 7,410,000

(From Casino Control Fund\$7,410,000)

Total Direct State Services Appropriation, Financial

Administration..... \$184,721,000

(From General Fund.....\$177,311,000)

(From Casino Control Fund 7,410,000)

Direct State Services:

Personal Services:

Chairman and Commissioners (CCF).....(\$391,000)

Salaries and Wages(126,707,000)

Salaries and Wages (CCF).....(3,023,000)

Employee Benefits (CCF).....(1,739,000)

Materials and Supplies.....(2,233,000)

Materials and Supplies (CCF)(84,000)

Services Other Than Personal.....(44,170,000)

Services Other Than Personal (CCF).....(600,000)

Maintenance and Fixed Charges.....(793,000)

Maintenance and Fixed Charges (CCF).....(1,333,000)

Special Purpose:

17 Wage Reporting/Temporary Disability Insurance(800,000)

19 Secure Choice Savings Program (P.L.2019, c.56).....(500,000)

25 Administration of Casino Gambling (CCF).....(20,000)

Additions, Improvements and Equipment(2,108,000)

Additions, Improvements and Equipment (CCF)(220,000)

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 amounts appropriated pursuant to this provision.

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.

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.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated from 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 in accordance with the Taxpayers' Bill of Rights under P.L.1992, c.175.

Such amounts as are required for the acquisition of equipment, software and necessary services essential to the modernization of processing tax returns, tax payments, fees, and associated documents and transactions 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.

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 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, there are appropriated such additional amounts, as determined by the Director of the Division of Budget and Accounting, as are required to pay debt service on the bonds issued pursuant to P.L.2004, c.68.

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, 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, from revenues from escheated property under the various escheat acts, such amounts as may be necessary to administer such acts and such amounts as may be required for refunds.

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) incurred prior to the enactment and implementation of the "Lottery Enterprise Contribution Act," P.L.2017, c.98 (C.5:9-22.5 et al.).

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.

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 \$5,800,000 from the New Jersey Motor Vehicle Commission for document processing charges.

Receipts in excess of those anticipated from expedited service 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.

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, Family Leave Insurance, the Workforce Development Partnership program, and aligned programs.

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 from the State Disability Benefits Fund such additional amounts as may be required to administer

revenue collection and processing functions associated with the Temporary Disability Insurance 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, 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 account 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 \$2,000,000, are appropriated for the operations of the microfilm or other storage systems in the Division of Revenue and Enterprise Services within the Department of the Treasury, including the administration of the State's records management and records center operations, 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.

Notwithstanding the provisions of any law or regulation to the contrary, from the amounts hereinabove appropriated from the Taxation Services and Administration program classification, the Division of Taxation shall undertake an examination of the State's tax laws and their relation to the digital economy. The examination shall quantify how various taxes have expanded or reduced the economic activity, and State revenue, that those laws were intended to capture when first enacted, and particular forms of economic activity that are untaxed or undertaxed that have grown more significant in the modern economy. The division shall submit a report on the findings of its examination, along with its recommendations for changes in law to address gaps in current law, to the State Treasurer and the Joint Budget Oversight Committee, or its successor, not later than March 31, 2022. In addition to the amounts hereinabove appropriated from the Taxation Services and Administration program classification, there are appropriated such additional amounts as are determined to be necessary to conduct this examination, subject to the approval of the Director of the Division of Budget and Accounting.

74 General Government Services

DIRECT STATE SERVICES

02-2069 Garden State Preservation Trust.....	\$278,000
09-2050 Purchasing and Inventory Management.....	8,893,000
10-2062 Public Broadcasting Services	3,162,000
26-2067 Property Management and Construction - Property Management Services.....	19,606,000
37-2051 Risk Management.....	<u>4,154,000</u>
Total Direct State Services Appropriation, General Government Services	<u>\$36,093,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$20,489,000)
Materials and Supplies.....	(825,000)
Services Other Than Personal.....	(4,669,000)
Maintenance and Fixed Charges.....	(7,786,000)

Special Purpose:

02 Garden State Preservation Trust	(278,000)
09 Chief Diversity Officer	(951,000)
10 Support of Public Broadcasting - NJTV	(1,000,000)
Additions, Improvements and Equipment	(95,000)

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, of the remaining 50% of the total rebates on procurement card purchases, the top three participating State using agencies with the highest spending will receive 50% of the rebates earned for their respective eligible procurement card spending and the balance is appropriated to the Division of Purchase and Property for costs of the Division, 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 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 preventative maintenance costs.

Receipts from the leasing of State real property are appropriated for the maintenance of State-owned property, subject to the approval of the Director of the Division of Budget and Accounting.

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.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Garden State Preservation Trust account is transferred from the Garden State Green Acres Preservation Trust Fund established pursuant to section 19 of P.L.1999, c.152 (C.13:8C-19) and the Preserve New Jersey Funds established pursuant to P.L.2016, c.12 (C.13:8C-43 et seq.), to the General Fund and is appropriated to the Department of the Treasury for the Garden State Preservation Trust's administrative 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, administrative expenses for the various retirement systems and employee benefit programs administered by the Division of Pensions and Benefits or the Board of Trustees of the Police and Firemen's Retirement System of New Jersey 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.

Notwithstanding the provisions of any law or regulation to the contrary, from the amount hereinabove appropriated for Property Management and Construction - Property Management Services, the State Treasurer shall conduct a review of all office space owned and leased by the Executive Branch of the State government and submit recommendations for the maximization of the efficient utilization and management of such office space following the transformative effects of the COVID-19 pandemic on traditional notions of workplaces, including an estimate of associated cost impacts, to the Joint Budget Oversight Committee or its successor by March 31, 2022.

STATE AID

22-2145 Capital City Redevelopment Corporation	<u>\$6,500,000</u>
Total State Aid Appropriation, General	
Government Services.....	<u>\$6,500,000</u>

State Aid:

22 Trenton Taxation Building.....	(\$5,000,000)
22 Trenton Front Street Garage.....	(1,500,000)

**2026 Office of Administrative Law
DIRECT STATE SERVICES**

45-2026 Adjudication of Administrative Appeals	<u>\$4,478,000</u>
Total Direct State Services Appropriation, Office of	
Administrative Law	<u>\$4,478,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$4,466,000)
Materials and Supplies.....	(3,000)
Services Other Than Personal	(1,000)
Maintenance and Fixed Charges.....	(8,000)

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.

In addition to the amount hereinabove appropriated for the Office of Administrative Law, such amounts 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 amounts, are appropriated for the Office’s administrative costs, subject to the approval of the Director of the Division of Budget and Accounting.

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.

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.

**2034 Office of Information Technology
DIRECT STATE SERVICES**

40-2034 Office of Information Technology	<u>\$121,532,000</u>
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65-2034 Emergency Telecommunication Services	<u>30,822,000</u>
Subtotal Direct State Services Appropriation, Office of Information Technology	<u>\$152,354,000</u>
Less:	
OIT - Other Resources	\$54,000,000
Total Income Deductions	<u>\$54,000,000</u>
Total Direct State Services Appropriation, Office of Information Technology	<u>\$98,354,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages	(\$28,487,000)
Materials and Supplies.....	(207,000)
Services Other Than Personal.....	(22,196,000)
Maintenance and Fixed Charges.....	(31,000)

Special Purpose:

40 Office of Information Technology	(54,000,000)
40 NJCFS Modernization	(2,200,000)
40 Office of Management and Budget Technology Modernization	(1,000,000)
65 Statewide 9-1-1 Emergency Telecommunication System	(26,822,000)
65 Office of Emergency Telecommunication Services	(4,000,000)

Additions, Improvements and Equipment	(13,411,000)
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Less:

Income Deductions.....	54,000,000
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In addition to the amount hereinabove 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 Enterprise 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 9-1-1 Emergency Telecommunication System, there are appropriated such additional amounts 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 amounts for Geographic Information System (GIS) Integration as may be received from federal, county, or municipal governments or agencies, and nonprofit organizations for orthoimagery and parcel data mapping.

Notwithstanding the provisions of any law or regulation to the contrary, from the amount hereinabove appropriated for the Office of Information Technology, the Chief Technology Officer shall prepare a detailed report of the State government's most critical information technology needs. The report shall identify priority information technology projects that shall be considered for funding from federal funds provided or made available to the State from the federal "Coronavirus State Fiscal Recovery Fund" established pursuant to the federal "American Rescue Plan Act of 2021," Pub.L.117-2. The report shall be submitted to the State Treasurer and the Joint Budget Oversight Committee no later than October 1, 2021.

75 State Subsidies and Financial Aid
GRANTS-IN-AID

32-2077 Direct Income Tax Relief	\$319,000,000
33-2077 Homestead Exemptions	<u>559,200,000</u>
(From Property Tax Relief Fund.....)	<u>\$559,200,000</u>
Total Grants-in-Aid Appropriation, State Subsidies and Financial Aid	<u>\$878,200,000</u>
(From General Fund.....)	<u>\$319,000,000</u>
(From Property Tax Relief Fund.....)	<u>559,200,000</u>

Grants-in-Aid:

32 Middle Class Tax Rebate Program	(\$319,000,000)
33 Homestead Benefit Program (PTRF)	(339,500,000)
33 Senior and Disabled Citizens' Property Tax Freeze (PTRF)	(219,700,000)

In addition to the amount hereinabove appropriated for the Middle Class Tax Rebate Program, there are appropriated from the General Fund such additional amounts as may be required to provide rebates pursuant to section 3 of P.L.2020, c.94 (C.54A:9-30), and 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.

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 2018 are excluded from the program; (b) gross income in excess of \$100,000 but not in excess of \$150,000 for tax year 2018 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 2018 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 2018 are excluded from the program; (b) gross income in excess of \$50,000 but not in excess of \$75,000 for tax year 2018 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 2018 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 2017 property tax amounts assessed or as would have been assessed on the October 1, 2018 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 2017, absent a change in an applicant's filing characteristics. The 2018 homestead benefit shall be paid in May, subject to the approval of the Director of the Division of Budget and Accounting, provided further, however, that a homestead credit that is paid through electronic funds transfer made by the director to the local property tax account maintained by the local tax collector for the homestead of the claimant shall be paid to the local tax collector before the end of the fiscal year. If the amount hereinabove appropriated for the Homestead Benefit Program is not sufficient, there are appropriated from the Property Tax Relief Fund such additional amounts 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.

STATE AID

27-2085 Other Distributed Taxes	\$7,886,000
(From Property Tax Relief Fund.....)	\$7,886,000)
28-2078 County Boards of Taxation	2,103,000
29-2078 Locally Provided Assistance	44,703,000
(From General Fund.....)	35,023,000)
(From Property Tax Relief Fund.....)	9,680,000)
34-2077 Senior and Disabled Citizens' and Veterans' Property Tax	
Deductions	58,700,000
(From Property Tax Relief Fund.....)	58,700,000)
35-2078 Police and Firemen's Retirement System.....	316,309,000
(From Property Tax Relief Fund.....)	316,309,000)
42-2085 Energy Tax Receipts Property Tax Relief Aid	<u>788,492,000</u>
(From Property Tax Relief Fund.....)	788,492,000)
Total State Aid Appropriation, State Subsidies and	
Financial Aid	<u>\$1,218,193,000</u>
(From General Fund.....)	\$37,126,000)
(From Property Tax Relief Fund.....)	1,181,067,000)

State Aid:

27 Aid to Counties in Lieu of Insurance	
Premiums Tax Payments (PTRF)	(\$7,886,000)
28 County Boards of Taxation	(2,103,000)
29 South Jersey Port Corporation Senior	
Bonds Debt Service Reserve Fund	(17,873,000)
29 South Jersey Port Corporation Subordinated	
Bonds Debt Service Reserve Fund	(12,750,000)
29 South Jersey Port Corporation Property	
Tax Reserve Fund (PTRF).....	(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 (PTRF).....	(3,723,000)
29 Meadowlands Tax-Sharing Payments	
Pandemic Shortfall (PTRF)	(856,000)
34 Senior and Disabled Citizens' Property	

	Tax Deductions (PTRF)	(7,200,000)
34	Veterans' Property Tax Deductions (PTRF)	(51,500,000)
35	State Contributions to Consolidated Police and Firemen's Pension Fund (PTRF)	(76,000)
35	Debt Service on Pension Obligation Bonds (PTRF)	(26,512,000)
35	Police and Firemen's Retirement System - Post-Retirement Medical (PTRF)	(36,110,000)
35	Police and Firemen's Retirement System (PTRF)	(145,757,000)
35	Police and Firemen's Retirement System (P.L.1979, c.109) (PTRF)	(107,854,000)
42	Energy Tax Receipts Property Tax Relief Aid (PTRF)	(788,492,000)

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 - Planning Grants account within the Department of the Treasury and the Administration and Operations of the Highlands Council account within the Department of Environmental Protection, 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 amounts 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.

Pursuant to section 85 of P.L.2015, c.19 (C.5:10A-85), receipts derived from the 3% Meadowlands regional hotel use assessment are appropriated for deposit into the intermunicipal account established pursuant to section 53 of P.L.2015, c.19 (C.5:10A-53), and shall be used to pay Meadowlands adjustment payments to municipalities in the Meadowlands district pursuant to the "Hackensack Meadowlands Agency Consolidation Act," P.L.2015, c.19 (C.5:10A-1 et seq.), 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.

Notwithstanding the provisions of P.L.1945, c.132 (C.54:18A-1 et seq.) or any law or regulation to the contrary, the amount payable to the several counties of the State shall not be distributed and shall be anticipated as revenue in the General Fund for general State purposes.

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.

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 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.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Aid to Counties in Lieu of Insurance Premiums Tax

Payments shall be paid to the same counties in the same amounts as would be provided in fiscal year 2022 pursuant to the provisions of P.L.1945, c.132 (C.54:18A-1 et seq.). If the amount hereinabove appropriated for Aid to Counties in Lieu of Insurance Premiums Tax Payments is not sufficient, there are appropriated from the Property Tax Relief Fund such additional amounts as may be required pursuant to the provisions of P.L.1945, c.132 (C.54:18A-1 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, the amount hereinabove appropriated for Energy Tax Receipts Property Tax Relief Aid and an amount not to exceed \$465,211,000 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 as provided in the previous fiscal year from the Energy Tax Receipts Property Tax Relief Aid account. 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 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; provided, however, that notwithstanding the provisions of any law or regulation to the contrary, the Director of Local Government Services, in consultation with the Commissioner of Community Affairs and the State Treasurer, may direct the Director of the Division of Budget and Accounting to provide such payments on an accelerated schedule if necessary to ensure fiscal stability for a municipality.

Notwithstanding the provisions of any law or regulation to the contrary, the release of the total annual amount due for the current fiscal year from Energy Tax Receipts 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 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 total annual amount due for the current fiscal year.

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.

The amount hereinabove for Meadowlands Tax-Sharing Payments Pandemic Shortfall is appropriated for deposit into the intermunicipal account established pursuant to section 53 of P.L.2015, c.19 (C.5:10A-53), and shall be used to pay Meadowlands adjustment payments to municipalities in the Meadowlands district pursuant to the "Hackensack Meadowlands Agency Consolidation Act," P.L.2015, c.19 (C.5:10A-1 et seq.) for the shortfall caused by the closure of hotels due to the COVID-19 pandemic.

76 Management and Administration

DIRECT STATE SERVICES

92-2063 Cannabis Regulatory Commission	\$857,000
99-2000 Administration and Support Services	<u>11,041,000</u>
Total Direct State Services Appropriation, Management and Administration	<u>\$11,898,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$9,772,000)
Materials and Supplies.....	(80,000)
Services Other Than Personal.....	(853,000)
Maintenance and Fixed Charges.....	(21,000)

Special Purpose:

92 Cannabis Regulatory Commission.....	(857,000)
99 Federal Liaison Office, Washington, D.C.....	(16,000)
99 Ombudsman for Individuals with Intellectual or Developmental Disabilities and their Families.....	(284,000)

Additions, Improvements and Equipment	(15,000)
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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 such additional amounts as may be required to pay for the reimbursement of funeral expenses pursuant to P.L.2013, c.177 (C.52:18A-218.1 et seq.), 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.

Notwithstanding the provisions of P.L.1999, c.12 (C.54A:9-25.12 et seq.) or any other law or regulation to the contrary, monies received in 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, for transfer to various departments and agencies that provide substance use disorder treatment and prevention programs to offset the costs of 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, 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.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amounts hereinabove appropriated for the Department of the Treasury, there are appropriated such additional amounts as are necessary to establish the Office of the Ombudsman for Individuals with Intellectual or Developmental Disabilities and their Families established pursuant to P.L.2017, c.269 (C.30:1AA-9.1 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, receipts collected pursuant to the New Jersey Compassionate Use Medical Marijuana Act, P.L.2009, c.307, may be transferred from the Department of Health to the Cannabis Regulatory Commission within the Department of the Treasury to offset the costs of administering P.L.2019, c.153, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated from the Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Fund such amounts to fund the Cannabis Regulatory Commission as determined by the Commission for costs required to implement the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act," subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

99-2000 Administration and Support Services	<u>\$5,625,000</u>
Total Grants-in-Aid Appropriation, Management and Administration ...	<u>\$5,625,000</u>

Grants-in-Aid:

99 National Center for Civic Innovation Inc.....	(\$5,000,000)
99 New Jersey State Interscholastic Athletic Association	(625,000)

Notwithstanding the provisions of any other law or regulation to the contrary, the amount hereinabove appropriated to the National Center for Civic Innovation, Inc. (“NCCI”) is subject to the following conditions: the appropriated moneys shall be used by NCCI to pay for administrative expenses, including, but not limited to, staff, office, supplies, travel, consultants and technology, and NCCI, in consultation with the State’s Chief Innovation Office, shall provide advisory and implementation services to State departments and agencies in the area of modernizing, improving, facilitating, and streamlining government services to individuals and businesses. The State Treasurer shall enter into an agreement with NCCI to implement this provision.

The amount hereinabove appropriated for the New Jersey State Interscholastic Athletic Association (NJSIAA) is conditioned upon the following: the NJSIAA shall agree to publish online their annual audited statement for fiscal years ending June 30, 2021 and June 30, 2022 upon certification by an outside auditor. The appropriation shall be used to offset loss of revenue to NJSIAA due to COVID-19 and additional expenses not anticipated due to COVID-19. The NJSIAA shall not use any grant funds for any increases in administrative staff.

80 Special Government Services

82 Protection of Citizens’ Rights

DIRECT STATE SERVICES

06-2024 Appellate Services to Indigents	\$9,108,000
57-2021 Trial Services to Indigents.....	72,625,000
58-2022 Mental Health Advocacy	6,945,000
66-2021 Office of Law Guardian.....	25,010,000
67-2021 Office of Parental Representation.....	19,113,000
99-2025 Administration and Support Services	<u>2,965,000</u>
Total Direct State Services Appropriation, Protection of Citizens’ Rights	<u>\$135,766,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$105,696,000)
Materials and Supplies.....	(1,220,000)
Services Other Than Personal.....	(26,214,000)
Maintenance and Fixed Charges.....	(2,051,000)
Additions, Improvements and Equipment	(585,000)

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.

2048 State Legal Services Office

GRANTS-IN-AID

89-2048 Civil Legal Services for the Poor	<u>\$35,518,000</u>
Total Grants-in-Aid Appropriation, State Legal Services Office.....	<u>\$35,518,000</u>

Grants-in-Aid:

89 Legal Services of New Jersey - Legal Assistance in Civil Matters.....	(\$35,518,000)
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2096 Corrections Ombudsperson

DIRECT STATE SERVICES

51-2096 Corrections Ombudsperson	<u>\$1,541,000</u>
Total Direct State Services Appropriation, Corrections Ombudsperson.....	<u>\$1,541,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$1,480,000)
Materials and Supplies.....	(25,000)
Services Other Than Personal.....	(28,000)
Maintenance and Fixed Charges.....	(8,000)

2097 Office of the State Long-Term Care Ombudsman

DIRECT STATE SERVICES

81-2097 State Long-Term Care Ombudsman.....	<u>\$2,630,000</u>
Total Direct State Services Appropriation, Office of the State Long-Term Care Ombudsman	<u>\$2,630,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$2,201,000)
Materials and Supplies.....	(132,000)

Services Other Than Personal..... (247,000)

Maintenance and Fixed Charges..... (50,000)

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 Office of the State Long-Term Care Ombudsman, 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..... \$7,020,000

Total Direct State Services Appropriation, Division of

Rate Counsel..... \$7,020,000

Direct State Services:

Personal Services:

Salaries and Wages (\$3,043,000)

Materials and Supplies..... (48,000)

Services Other Than Personal..... (3,425,000)

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..... \$3,336,033,000

Summary of Department of the Treasury Appropriations

(For Display Purposes Only)

Appropriations by Category:

Direct State Services..... \$532,637,000

Grants-in-Aid..... 1,353,241,000

State Aid..... 1,450,155,000

Appropriations by Fund:

General Fund \$1,362,894,000

Property Tax Relief Fund 1,965,729,000

Casino Control Fund..... 7,410,000

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	<u>\$15,000</u>
Total Direct State Services Appropriation, Interstate Environmental Commission	<u>\$15,000</u>

Direct State Services:

Special Purpose:

03 Expenses of the Commission	(\$15,000)
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40 Community Development and Environmental Management**43 Science and Technical Programs****9140 Delaware River Basin Commission****DIRECT STATE SERVICES**

02-9140 Delaware River Basin Commission	<u>\$893,000</u>
Total Direct State Services Appropriation, Delaware River Basin Commission	<u>\$893,000</u>

Direct State Services:

Special Purpose:

02 Expenses of the Commission	(\$893,000)
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70 Government Direction, Management, and Control**72 Government Review and Oversight****9148 Council On Local Mandates****DIRECT STATE SERVICES**

92-9148 Council On Local Mandates	<u>\$81,000</u>
Total Direct State Services Appropriation, Council On Local Mandates	<u>\$81,000</u>

Direct State Services:

Special Purpose:

92 Council On Local Mandates	(\$81,000)
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The unexpended balance at the end of the preceding fiscal year in this account is appropriated.

Miscellaneous Commissions, Total State Appropriation	<u>\$989,000</u>
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Summary of Miscellaneous Commissions Appropriations

(For Display Purposes Only)

Appropriations by Category:

Direct State Services	\$989,000
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Appropriations by Fund:

General Fund	\$989,000
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94 INTERDEPARTMENTAL ACCOUNTS
70 Government Direction, Management, and Control
74 General Government Services
DIRECT STATE SERVICES

01-9400 Property Rentals	\$266,176,000
02-9400 Insurance and Other Services	141,228,000
06-9400 Utilities and Other Services.....	<u>61,593,000</u>
Subtotal Direct State Services Appropriation, General	
Government Services.....	<u>\$468,997,000</u>

Less:

Direct Rent Charges and Charges for	
Operational Efficiencies	\$84,144,000
Total Deductions	<u>\$84,144,000</u>
Total Direct State Services Appropriation, General	
Government Services.....	<u>\$384,853,000</u>

Direct State Services:

Property Rentals:

01 Existing and Anticipated Leases	(\$182,463,000)
01 Economic Development Authority	(49,397,000)
01 Other Debt Service Leases and Tax Payments.....	(34,316,000)

Less:

Total Deductions.....	84,144,000
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Insurance and Other Services:

02 Tort Claims Liability Fund (C.59:12-1).....	(31,000,000)
02 Workers' Compensation Self-Insurance Fund	(90,838,000)
02 Property Insurance Premium Payments	(3,645,000)
02 Casualty Insurance Premium Payments	(707,000)
02 Special Insurance Policy Premium Payment.....	(913,000)
02 Medical Malpractice Self-Insurance Fund for	
Rutgers, Rowan, and University Hospital	(10,000,000)
02 Vehicle Claims Liability Fund	(2,500,000)
02 Self-Insurance Deductible Fund.....	(1,500,000)
02 Self-Insurance Fund - Foster Parents	(125,000)

Utilities and Other Services:

06 Utilities and Other Services	(47,500,000)
06 Public Health, Environmental and	
Agricultural Laboratory	(5,608,000)
06 Household and Security	(8,485,000)

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.

Receipts from the leasing of State surplus real property are appropriated for the maintenance of State surplus real property, 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 to the Property Rentals account an amount not to exceed \$10,000,000 to reflect savings from the implementation of procurement efficiencies, subject to the approval of the Director of the Division of Budget and Accounting. This additional amount is appropriated for Property Rentals.

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 amounts hereinabove appropriated are available for payment of obligations applicable to prior fiscal years.

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, 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, for the refunding of fees, court costs and restitution paid by persons charged with, adjudicated delinquent, or convicted of various crimes or offenses whose charges or convictions are later dismissed for various reasons, including on the basis of evidence found to not have been appropriately collected, tested or analyzed and for the direct costs of administering such refunds, all 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," N.J.S.59:13-1 et seq., 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.
- There are appropriated from revenues received from utility companies such amounts as may be required for implementation and administration of the Energy Conservation Initiatives Program, subject to the approval of the Director of the Division of Budget and Accounting.
- 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.
- 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 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.
- 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, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

09-9460 Aid to Independent Authorities	\$329,632,000
(From General Fund.....)	\$315,477,000)
(From Property Tax Relief Fund.....)	14,155,000)

Total Grants-in-Aid Appropriation, General Government

Services	\$329,632,000
(From General Fund.....)	\$315,477,000)
(From Property Tax Relief Fund	14,155,000)

Grants-in-Aid:

09 New Jersey Sports and Exposition Authority - Debt Service	(\$33,249,000)
09 Liberty Science Center.....	(13,453,000)
09 Biomedical Research Bonds, EDA	(3,482,000)
09 Municipal Rehabilitation and Economic Recovery, EDA (PTRF)	(14,155,000)
09 New Jersey Performing Arts Center - Operating Aid.....	(2,000,000)
09 Wind Port Project Bonds, EDA	(8,693,000)
09 EDA Wind Port Project Funding, Direct Appropriation	(200,000,000)
09 New Jersey Sports and Exposition Authority - Meadowlands Conservation Trust	(1,600,000)
09 New Jersey Sports and Exposition Authority - Operations	(53,000,000)

In addition to the amounts hereinabove appropriated for the New Jersey 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 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 amounts 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 amounts 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.

Notwithstanding the provisions of N.J.S.46:30B-74 and N.J.S.46:30B-75, or any other rule, regulation, or guideline to the contrary, and in addition to the amounts hereinabove appropriated for the New Jersey Sports and Exposition Authority, there is appropriated from the Unclaimed Personal Property Trust Fund such

amount as shall be determined by the Director of the Division of Budget and Accounting to be available and necessary for Sports Complex property demolition, clean-up, and roadway improvement costs associated with the Grandstand demolition project.

The amounts hereinabove appropriated for debt service payments attributable 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 Municipal Rehabilitation and Economic Recovery, EDA program shall be reduced by the same amount. There are appropriated such additional amounts as may be necessary to pay debt service and other costs for the Municipal Rehabilitation and Economic Recovery, EDA program, subject to the approval of the Director of the Division of Budget and Accounting.

CAPITAL CONSTRUCTION

08-9450 Capital Projects - Statewide.....	<u>\$211,749,000</u>
(From General Fund.....)	\$180,485,000)
(From Property Tax Relief Fund.....)	31,264,000)
Total Capital Construction Appropriation, General	
Government Services.....	<u>\$211,749,000</u>
(From General Fund.....)	\$180,485,000)
(From Property Tax Relief Fund.....)	31,264,000)

Capital Projects:

Statewide Capital Projects:

08 Capital Improvements, Capitol Complex.....	(\$15,500,000)
08 Capital Improvements, Statewide	(48,107,000)
08 Life Safety, Emergency and IT Projects - Statewide	(21,000,000)
08 Capital Security Committee	(5,000,000)
08 New Jersey Building Authority.....	(20,438,000)
08 9/11 Empty Sky Memorial.....	(4,000,000)
08 Garden State Preservation Trust Fund Account	(66,440,000)
08 Garden State Preservation Trust Fund Account (PTRF).....	(31,264,000)

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; Capital Improvements, Statewide; Life Safety, Emergency and IT Projects - Statewide; Capital Security Committee; Roof Repairs - Statewide; Americans with Disabilities Act Compliance Projects - Statewide; Fuel Distribution Systems/Underground Storage Tank Replacements - Statewide; Hazardous Materials Removal Projects-Statewide; Statewide Security Projects; and Energy Efficiency 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 .

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.

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.

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.

Revenue generated from the sale of Solar Renewable Energy Certificates and Emission Reduction Credits is appropriated to fund energy-related savings initiatives as determined by the State Treasurer, subject to the approval of the Director of the Division of Budget and Accounting.

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).

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.

9410 Employee Benefits
DIRECT STATE SERVICES

03-9410 Employee Benefits	<u>\$4,178,589,000</u>
Total Direct State Services Appropriation,	
Employee Benefits	<u>\$4,178,589,000</u>

Direct State Services:**Special Purpose:**

03 Public Employees' Retirement System	(\$1,476,752,000)
03 Public Employees' Retirement System - Post Retirement Medical	(334,819,000)
03 Public Employees' Retirement System - Non-contributory Insurance.....	(29,367,000)
03 Police and Firemen's Retirement System	(349,455,000)
03 Police and Firemen's Retirement System - Non-contributory Insurance.....	(9,617,000)
03 Police and Firemen's Retirement System (P.L.1979, c.109)	(6,513,000)
03 Alternate Benefit Program - Employer Contributions	(1,371,000)
03 Alternate Benefit Program - Non-contributory Insurance.....	(194,000)
03 Defined Contribution Retirement Program	(1,747,000)
03 Defined Contribution Retirement Program - Non-contributory Insurance.....	(558,000)
03 State Police Retirement System	(201,321,000)
03 State Police Retirement System - Non-contributory Insurance.....	(2,271,000)
03 Judicial Retirement System	(72,375,000)
03 Judicial Retirement System - Non-contributory Insurance.....	(1,014,000)
03 Teachers' Pension and Annuity Fund	(6,070,000)
03 Teachers' Pension and Annuity Fund - Post Retirement Medical - State	(2,395,000)
03 Teachers' Pension and Annuity Fund - Non-contributory Insurance.....	(34,000)
03 Pension Adjustment Program.....	(355,000)
03 Veterans Act Pensions	(33,000)
03 Debt Service on Pension Obligation Bonds	(199,887,000)
03 Volunteer Emergency Survivor Benefit	(219,000)
03 State Employees' Health Benefits.....	(752,882,000)
03 Other Pension Systems - Post Retirement Medical	(152,510,000)
03 State Employees' Prescription Drug Program.....	(167,138,000)

03	State Employees' Dental Program - Shared Cost....	(21,164,000)
03	State Employees' Vision Care Program.....	(500,000)
03	Social Security Tax - State.....	(374,209,000)
03	Temporary Disability Insurance Liability	(11,366,000)
03	Unemployment Insurance Liability	(2,453,000)

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, Volunteer Emergency Survivor Benefit, 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, Affordable Care Act Fees, 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.

In addition to the amounts hereinabove appropriated for Social Security Tax - State there are appropriated such amounts as may be necessary 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, 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>\$1,182,222,000</u>
Total Grants-in-Aid Appropriation, Employee Benefits	<u>\$1,182,222,000</u>

Grants-in-Aid:

03 Public Employees' Retirement System	(\$147,215,000)
03 Public Employees' Retirement System - Post Retirement Medical	(54,127,000)
03 Public Employees' Retirement System - Non-contributory Insurance.....	(6,078,000)
03 Police and Firemen's Retirement System	(18,519,000)
03 Police and Firemen's Retirement System - Non-contributory Insurance.....	(448,000)
03 Alternate Benefit Program - Employer Contributions	(186,222,000)
03 Alternate Benefit Program - Non-contributory Insurance	(23,516,000)
03 Teachers' Pension and Annuity Fund	(1,179,000)
03 Teachers' Pension and Annuity Fund - Post Retirement Medical-State	(4,708,000)
03 Teachers' Pension and Annuity Fund - Non-contributory Insurance.....	(4,000)
03 Debt Service on Pension Obligation Bonds	(11,532,000)
03 State Employees' Health Benefits.....	(368,854,000)
03 Other Pension Systems-Post Retirement Medical	(44,910,000)
03 State Employees' Prescription Drug Program.....	(101,305,000)

03 State Employees' Dental Program - Shared Cost.....	(11,824,000)
03 Social Security Tax - State.....	(191,528,000)
03 Temporary Disability Insurance Liability	(8,063,000)
03 Unemployment Insurance Liability	(2,190,000)

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, Affordable Care Act Fees, 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 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.

9420 Other Interdepartmental Accounts

DIRECT STATE SERVICES

04-9420 Other Interdepartmental Accounts \$22,525,000

Total Direct State Services Appropriation, Other

Interdepartmental Accounts..... \$22,525,000***Direct State Services:*****Special Purpose:**

- 04 Governor's Contingency Fund..... (\$375,000)
- 04 Permit Modernization (10,000,000)
- 04 Contingency Funds (625,000)
- 04 Interest On Short Term Notes (6,000,000)
- 04 Banking Services (4,100,000)
- 04 Debt Issuance - Special Purpose (1,100,000)
- 04 Catastrophic Illness in Children Relief
Fund - Employer Contributions (225,000)
- 04 Interest on Interfund Borrowing..... (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.

The unexpended balance at the end of the preceding fiscal year in the Governor's Contingency Fund is appropriated for the same purpose.

The amount hereinabove appropriated for the Governor's Contingency Fund is appropriated for allotment to the various departments or agencies, to meet any condition of emergency or necessity.

There are appropriated to the Emergency Services Fund such amounts 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 Service Fund such amounts 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.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Permit Modernization shall be used for the purpose of engaging expert consulting services to review and recommend improvements to improve the efficiency and effectiveness of State permitting processes across the various departments, including but not limited to the Department of Environmental Protection, the Department of Transportation, and the Department of Community Affairs.

Such amounts 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.

Of the amount hereinabove appropriated for Permit Modernization, such amounts as are necessary may be transferred to or from State departments, and the unexpended balance at the end of the preceding fiscal year is appropriated for the same purpose, provided further that such additional amounts as may be necessary for Permit Modernization efforts are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

04-9420 Other Interdepartmental Accounts	<u>\$43,992,000</u>
Total Grants-In-Aid Appropriation, Other	
Interdepartmental Accounts	<u>\$43,992,000</u>

Grants-In-Aid:

04 Direct Support Professional Wage Increase.....(\$43,992,000)

Notwithstanding any other law or regulation to the contrary, the amount hereinabove appropriated for Direct Support Professionals Wage Increase shall be used to provide payments, based upon the wage increase established in Fiscal Year 2020, for each direct support professional who provides children's behavioral health services or assists children or adults with intellectual or developmental disabilities under a provider contract or fee--for--service agreement with the Department of Children and Families, the Division of Developmental Disabilities in the Department of Human Services, or the Division of Vocational Rehabilitation Services in the Department of Labor and Workforce Development. Amounts, as determined by the Director of the Division of Budget and Accounting, shall be transferred, as necessary, to departments and divisions contracting with community care providers in order to effectuate this provision.

9430 Salary Increases and Other Benefits

DIRECT STATE SERVICES

05-9430 Salary Increases and Other Benefits.....	<u>\$135,930,000</u>
Total Direct State Services Appropriation, Salary Increases	
and Other Benefits.....	<u>\$135,930,000</u>

Direct State Services:

Special Purpose:

05 Executive Branch.....	(\$104,500,000)
05 Judicial Branch	(20,430,000)
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 R.S.34:15-49 and section 1 of P.L.1981, c.353 (C.34:15-49.1) or any law or regulation to the contrary, 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 section 2 of P.L.1968, c.410 (C.52:14B-2), but shall be considered exempt under paragraphs (1) and (2) of the definition of "administrative rule" or "rule" 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 balances at the end of the preceding fiscal year in the Salary Increases and Other Benefits accounts are appropriated for the same purposes.

In addition to the amounts hereinabove appropriated for Executive Branch there are appropriated such amounts as may be necessary 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 Unused Accumulated Sick Leave Payments, there are appropriated such amounts as may be necessary for payments of unused accumulated sick leave.

Interdepartmental Accounts, Total State Appropriation \$6,489,492,000

Summary of Interdepartmental Accounts Appropriations
(For Display Purposes Only)

Appropriations by Category:

Direct State Services.....	\$4,721,897,000
Grants-in-Aid.....	1,555,846,000
Capital Construction.....	211,749,000

Appropriations by Fund:

General Fund	\$6,444,073,000
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Property Tax Relief Fund..... 45,419,000

98 THE JUDICIARY

10 Public Safety and Criminal Justice

15 Judicial Services

DIRECT STATE SERVICES

01-9710 Supreme Court.....	\$7,117,000
02-9715 Superior Court-Appellate Division.....	22,530,000
03-9720 Civil Courts	112,464,000
04-9725 Criminal Courts	189,009,000
05-9730 Family Courts	122,288,000
06-9735 Municipal Courts.....	1,596,000
07-9740 Probation Services.....	137,658,000
08-9745 Court Reporting.....	8,888,000
09-9750 Public Affairs and Education	2,946,000
10-9755 Information Services	18,058,000
11-9760 Trial Court Services	197,818,000
12-9765 Management and Administration	11,295,000
Total Direct State Services Appropriation, Judicial Services ...	<u>\$831,667,000</u>

Direct State Services:

Personal Services:

Chief Justice.....	(\$226,000)
Associate Justices.....	(1,306,000)
Judges.....	(91,274,000)
Salaries and Wages	(530,326,000)
Materials and Supplies.....	(7,755,000)
Services Other Than Personal.....	(32,318,000)
Maintenance and Fixed Charges.....	(1,852,000)

Special Purpose:

01 Rules Development.....	(200,000)
03 Landlord Tenant Caseload Management	(500,000)
04 Drug Court Treatment/Aftercare.....	(38,858,000)
04 Drug Court Operations.....	(25,716,000)
04 Drug Court Judgeships.....	(2,662,000)
04 Statewide Pretrial Services Program	(22,000,000)
05 Family Crisis Intervention	(1,076,000)
05 Child Placement Review Advisory Council	(82,000)
05 Kinship Legal Guardianship	(3,793,000)
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.....	(5,861,000)

The unexpended balances at the end of the preceding fiscal year in the Civil Arbitration Program and Drug Court program accounts 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.

Receipts derived from the increase in fees collected by the Judiciary pursuant to P.L.2014, c.31 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 21st Century Justice Improvement Fund for the purpose of (1) the development, maintenance and administration of a Statewide Pretrial Services Program; (2) the development, maintenance and administration of a Statewide digital e-court information system; and (3) the provision to the poor of legal assistance in civil matters by Legal Services of New Jersey and its affiliates.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amount hereinabove appropriated, revenues in excess of \$42,100,000 in the 21st Century Justice Improvement Fund are appropriated to the Judiciary for the Statewide Pretrial Services Program or for court information technology, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances at the end of the preceding fiscal year in the Statewide Pretrial Services Program account are appropriated to the Judiciary, subject to the approval of the Director of Budget and Accounting.

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 Admissions Financial Committee, Parents' Education Fund, Automated Traffic System Fund, Municipal Court Administrator Certification Program, Comprehensive Enforcement Program, Court Computer Information System Fund, Statewide County Corrections Information System (CCIS), 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.

The Judiciary, Total State Appropriation..... \$831,667,000

Summary of Judiciary Appropriations

(For Display Purposes Only)

Appropriations by Category:

Direct State Services \$831,667,000

Appropriations by Fund:

General Fund..... \$831,667,000

DEBT SERVICE

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 Community Development and Environmental Management

46 Environmental Planning and Administration

99-4800 Interest on Bonds..... \$13,679,000

99-4800 Bond Redemption..... 18,390,000

Total Debt Service Appropriation, Department of

Environmental Protection..... \$32,069,000

Debt Service:

Interest:

Hazardous Discharge Bonds (P.L.1986, c.113)(\$285,000)

New Jersey Open Space Preservation

Bonds (P.L.1989, c.183).....(176,000)

Stormwater Management and Combined

Sewer Overflow Abatement Bonds (P.L.1989, c.181)(100,000)

Green Acres, Farmland and Historic Preservation and

Blue Acres Bonds(P.L.1995, c.204)(86,000)

Port of New Jersey Revitalization,

Dredging Bonds (P.L.1996, c.70).....(1,363,000)

Dam, Lake, Stream, Water Resources, and Wastewater

Treatment Project Bonds (P.L.2003, c.162)(100,000)

Green Acres, Farmland, Blue Acres, and Historic Preservation Bonds (P.L.2007, c.119)	(1,433,000)
Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bonds (P.L.2009, c.117)	(10,136,000)
Redemption:	
Hazardous Discharge Bonds (P.L.1986, c.113)	(460,000)
New Jersey Open Space Preservation Bonds (P.L.1989, c.183)	(170,000)
Stormwater Management and Combined Sewer Overflow Abatement Bonds (P.L.1989, c.181)	(160,000)
Green Acres, Farmland and Historic Preservation and Blue Acres Bonds (P.L.1995, c.204)	(140,000)
Port of New Jersey Revitalization, Dredging Bonds (P.L.1996, c.70)	(1,940,000)
Dam, Lake, Stream, Water Resources, and Wastewater Treatment Project Bonds (P.L.2003, c.162)	(160,000)
Green Acres, Farmland, Blue Acres, and Historic Preservation Bonds (P.L.2007, c.119)	(1,990,000)
Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bonds (P.L.2009, c.117)	(13,370,000)
Total Debt Service Appropriation, Department of Environmental Protection	<u>\$32,069,000</u>

82 DEPARTMENT OF THE TREASURY

70 Government Direction, Management, and Control

76 Management and Administration

99-2000 Interest on Bonds	\$237,018,000
99-2000 Bond Redemption	<u>126,120,000</u>
Total Debt Service Appropriation, Department of the Treasury	<u>\$363,138,000</u>

Debt Service:

Interest:

Payments on Future Bond Sales	(\$33,762,000)
Refunding Bonds (P.L.1985, c.74, as amended by P.L.1992, c.182)	(5,338,000)
Building our Future Bonds (P.L.2012, c.41)	(26,882,000)
Securing our Children's Future Bonds (P.L.2018, c.119)	(4,732,000)
COVID-19 General Obligation Emergency Bonds (P.L. 2020, c.60)	(166,304,000)

Redemption:

Refunding Bonds (P.L.1985, c.74, as amended by P.L.1992, c.182)	(95,565,000)
Building our Future Bonds (P.L.2012, c.41)	(30,555,000)

Total Debt Service Appropriation, Department of the
Treasury..... \$363,138,000

Total Appropriation, Debt Service..... \$395,207,000

Notwithstanding the provisions of any law or regulation to the contrary, such amounts 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 amounts 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 amounts 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 Debt Service Appropriations

(For Display Purposes Only)

Appropriations by Category:

Debt Service..... \$395,207,000

Appropriations by Fund:

General Fund..... \$395,207,000

Summary of Appropriations – All Departments

(For Display Purposes Only)

Appropriations by Category:

Direct State Services\$9,706,990,000

Grants-in-Aid.....	13,788,802,000
State Aid.....	20,588,796,000
Capital Construction.....	1,904,717,000
Debt Service.....	395,207,000
<i>Appropriation by Fund:</i>	
General Fund.....	\$25,700,101,000
Property Tax Relief Fund.....	20,262,061,000
Casino Revenue Fund.....	338,479,000
Casino Control Fund.....	62,391,000
Gubernatorial Elections Fund.....	21,480,000

Total Appropriation, All State Funds..... \$46,384,512,000

FEDERAL FUNDS

10 DEPARTMENT OF AGRICULTURE

40 Community Development and Environmental Management

49 Agricultural Resources, Planning, and Regulation

01-3310 Animal Disease Control	\$1,755,000
02-3320 Plant Pest and Disease Control.....	3,438,000
05-3350 Food and Nutrition Services.....	1,234,685,000
06-3360 Marketing and Development Services.....	3,534,000
08-3380 Farmland Preservation.....	<u>25,000</u>

Total Appropriation, Agricultural Resources, Planning,
and Regulation..... \$1,243,437,000

Personal Services:

Salaries and Wages	(\$9,375,000)
Employee Benefits	(4,197,000)
Materials and Supplies.....	(1,333,000)
Services Other Than Personal.....	(9,983,000)
Maintenance and Fixed Charges.....	(1,751,000)

Special Purpose:

Child Nutrition Administration	(1,140,000)
State Aid and Grants.....	(1,212,869,000)
Additions, Improvements and Equipment	(2,789,000)

Total Appropriation, Department of Agriculture \$1,243,437,000

16 DEPARTMENT OF CHILDREN AND FAMILIES

50 Economic Planning, Development, and Security

55 Social Services Programs

01-1610 Child Protection and Permanency	\$378,124,000
02-1620 Children's System of Care.....	336,853,000

03-1630 Family and Community Partnerships	38,440,000
04-1600 Education Services	1,200,000
05-1600 Child Welfare Training Academy Services and Operations.....	2,118,000
06-1600 Safety and Security Services	3,680,000
99-1600 Administration and Support Services	1,507,000
99-1610 Administration and Support Services	15,290,000
99-1620 Administration and Support Services	<u>1,066,000</u>
Total Appropriation, Social Services Programs	<u>\$778,278,000</u>

Personal Services:

Salaries and Wages	(\$288,959,000)
Materials and Supplies.....	(7,595,000)
Services Other Than Personal.....	(19,120,000)
Maintenance and Fixed Charges.....	(17,077,000)

Special Purpose:

Safety and Security Services - Title IV-E	(3,680,000)
Safety and Permanency in the Courts	(500,000)
State Aid and Grants	(432,211,000)
Additions, Improvements and Equipment	(9,136,000)

Total Appropriation, Department of Children and Families \$778,278,000

22 DEPARTMENT OF COMMUNITY AFFAIRS***40 Community Development and Environmental Management******41 Community Development Management***

02-8020 Housing Services	\$333,787,000
06-8015 Uniform Construction Code	<u>30,000</u>
Total Appropriation, Community Development Management .	<u>\$333,817,000</u>

Personal Services:

Salaries and Wages	(\$18,449,000)
Employee Benefits	(68,000)
Materials and Supplies.....	(247,000)
Services Other Than Personal.....	(2,930,000)
Maintenance and Fixed Charges.....	(3,000,000)

Special Purpose:

Family Self Sufficiency Program Coordinator.....	(20,000)
National Housing Trust Fund.....	(6,674,000)
Mainstream 5	(2,000)
Continuum of Care Program	(3,000)
Moderate Rehabilitation Housing Assistance	(28,000)
Section 8 Housing Voucher Program	(634,000)
Small Cities Block Grant Program.....	(11,000)
Emergency Solutions Grants Program	(11,000)
National Affordable Housing - HOME	
Investment Partnerships.....	(29,000)

Lead-Based Paint Hazard Control	(8,000)
Lead Abatement Certification	(2,000)
State Aid and Grants	(301,701,000)

50 Economic Planning, Development, and Security

55 Social Services Programs

05-8050 Community Resources.....	<u>\$167,500,000</u>
Total Appropriation, Social Services Programs.....	<u>\$167,500,000</u>

Personal Services:

Salaries and Wages	(\$2,279,000)
Employee Benefits	(1,213,000)
Materials and Supplies.....	(60,000)
Services Other Than Personal.....	(1,378,000)
Maintenance and Fixed Charges.....	(22,000)

Special Purpose:

Weatherization Assistance Program.....	(32,000)
Low Income Home Energy Assistance Program.....	(96,000)
Community Services Block Grant.....	(29,000)
State Aid and Grants	(162,381,000)
Additions, Improvements and Equipment	(10,000)

Total Appropriation, Department of Community Affairs	<u>\$501,317,000</u>
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26 DEPARTMENT OF CORRECTIONS

10 Public Safety and Criminal Justice

16 Detention and Rehabilitation

13-7025 Institutional Program Support	<u>\$16,000,000</u>
Total Appropriation, Detention and Rehabilitation.....	<u>\$16,000,000</u>

Personal Services:

Salaries and Wages	(\$250,000)
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Special Purpose:

Prison Rape Elimination Grant	(500,000)
SSA Incentive Payments	(50,000)
National Institute of Justice Operations Research.....	(150,000)
State Criminal Alien Assistance Program	(4,500,000)
Special Investigations Division - Intelligence	
Technology	(400,000)
Promising Reentry	(750,000)
Health, Safety and Wellness.....	(3,000,000)
Defense Tactical Training	(750,000)
Anti-Heroin Task Force	(3,000,000)
Inmate Vocational Certifications	(350,000)
Technology Enhancements	(500,000)

Special Operations Tactical Equipment	(200,000)
Diversity Training	(250,000)
Offender Reentry	(600,000)
Innovative Reentry Initiatives	(500,000)
Body Worn Cameras	(250,000)

17 Parole

03-7010 Parole.....	<u>\$3,550,000</u>
Total Appropriation, Parole	<u>\$3,550,000</u>
Special Purpose:	
Comprehensive Opioid, Stimulant and Substance Abuse Program	(\$1,500,000)
State Aid and Grants	(2,050,000)

19 Central Planning, Direction and Management

99-7000 Administration and Support Services	<u>\$1,162,000</u>
Total Appropriation, Central Planning, Direction and Management	<u>\$1,162,000</u>

Personal Services:

Salaries and Wages	(\$764,000)
Employee Benefits	(361,000)
Materials and Supplies.....	(2,000)
Services Other Than Personal.....	(15,000)
Additions, Improvements and Equipment	(20,000)

Total Appropriation, Department of Corrections..... \$20,712,000

34 DEPARTMENT OF EDUCATION**30 Educational, Cultural, and Intellectual Development****31 Direct Educational Services and Assistance**

07-5065 Special Education.....	<u>\$410,277,000</u>
Total Appropriation, Direct Educational Services and Assistance.....	<u>\$410,277,000</u>

Personal Services:

Salaries and Wages	(\$9,546,000)
Employee Benefits	(5,083,000)
Services Other Than Personal.....	(10,465,000)

Special Purpose:

State Personnel Development Grant	(1,066,000)
Individuals with Disabilities Education Act Basic State Grant.....	(300,000)
Individuals with Disabilities Education Act Preschool Grants.....	(275,000)
IDEA Part B - Discretionary Administration.....	(750,000)

State Aid and Grants (382,792,000)

32 Operation and Support of Educational Institutions

12-5011 Marie H. Katzenbach School for the Deaf..... \$410,000

Total Appropriation, Operation and Support of

Educational Institutions \$410,000

Personal Services:

Salaries and Wages (\$215,000)

Employee Benefits (123,000)

Services Other Than Personal..... (62,000)

Special Purpose:

Vocational Education Program (10,000)

33 Supplemental Education and Training Programs

20-5062 Career Readiness and Technical Education..... \$26,990,000

Total Appropriation, Supplemental Education and

Training Programs \$26,990,000

Personal Services:

Salaries and Wages (\$1,437,000)

Employee Benefits (766,000)

Materials and Supplies..... (25,000)

Services Other Than Personal..... (115,000)

Special Purpose:

Vocational Education - Basic Grants - Administration..... (75,000)

Vocational Education - Title II B Leadership Activities (300,000)

State Aid and Grants (24,272,000)

34 Educational Support Services

05-5064 Bilingual Education..... \$20,679,000

06-5064 Programs for Disadvantaged Youth..... 380,569,000

30-5063 Standards, Assessments and Curriculum..... 82,809,000

32-5061 Professional Learning Recruitment and Preparation 200,000

35-5069 Early Childhood Education 275,000

40-5064 Student Services 28,287,000

Total Appropriation, Educational Support Services..... \$512,819,000

Personal Services:

Salaries and Wages (\$4,501,000)

Employee Benefits (2,568,000)

Materials and Supplies..... (32,000)

Services Other Than Personal..... (6,459,000)

Special Purpose:

Language Acquisition Discretionary Administration..... (45,000)

Migrant Education - Administration/Discretionary..... (85,000)

Migrant Coordination Program (77,000)

MSix State Data Quality Grants.....	(100,000)
Bilingual and Compensatory Education - Homeless Children and Youth.....	(10,000)
Title I School Improvement Accountability Set Aside Administration.....	(169,000)
Student Support & Academic Enrichment State Grants...	(1,000,000)
State Assessments	(80,000)
Supporting Effective Instruction State Grants.....	(850,000)
National Assessment of Educational Progress State Coordinator.....	(11,000)
Troops-to-Teachers Program	(100,000)
Head Start Collaboration.....	(83,000)
21st Century Schools	(510,000)
AIDS Prevention Education.....	(120,000)
State Aid and Grants.....	(496,019,000)

35 Education Administration and Management

41-5092 Performance Management.....	\$1,023,000
99-5095 Administration and Support Services	<u>5,671,000</u>
Total Appropriation, Education Administration and Management	<u>\$6,694,000</u>
Personal Services:	
Salaries and Wages	(\$2,167,000)
Employee Benefits	(1,236,000)
Services Other Than Personal.....	(1,023,000)
Special Purpose:	
Improving America's Schools Act - Consolidated Administration.....	(2,268,000)

Total Appropriation, Department of Education \$957,190,000

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 Community Development and Environmental Management

42 Natural Resource Management

11-4870 Forest Resource Management	\$2,970,000
12-4875 Parks Management	29,515,000
13-4880 Hunters' and Anglers' License Fund.....	36,985,000
14-4885 Shellfish and Marine Fisheries Management	13,294,000
20-4880 Wildlife Management.....	1,070,000
21-4895 Natural Resources Engineering	<u>4,220,000</u>
Total Appropriation, Natural Resource Management	<u>\$88,054,000</u>

Personal Services:	
Salaries and Wages	(\$4,878,000)
Employee Benefits	(2,631,000)
Special Purpose:	

Rural Community Fire Protection Program	(279,000)
Forest Resource Management -	
Cooperative Forest Fire Control	(1,179,000)
Gypsy Moth Suppression	(30,000)
Wildfire Risk Reduction.....	(500,000)
Emerald Ash Borer.....	(40,000)
UCF Emerald Ash Borer	(40,000)
Oak Wilt Survey	(40,000)
Landscape Restoration	(320,000)
Consolidated Forest Management	(360,000)
Land and Water Conservation Fund.....	(5,000,000)
Historic Preservation Survey and Planning	(2,304,000)
Endangered Plant Species Supplemental Funding	(8,000)
Forest Legacy	(4,185,000)
Forest Legacy Administration.....	(60,000)
National Recreational Trails.....	(1,829,000)
Body-Worn Cameras.....	(250,000)
FEMA Port Security Grant Liberty State Park.....	(1,100,000)
DOT Reconstruct Ferry Slips Liberty State Park	(6,000,000)
LWCF - City of Trenton Soccer and Fitness	
Development.....	(1,000,000)
LWCF - Camden Whitman Park Improvements	(1,000,000)
National Coastal Wetlands Conservation	(3,500,000)
Recovery Land Acquisition.....	(2,500,000)
Hunters' and Anglers' License Fund.....	(2,000,000)
Hunter Safety Training.....	(3,396,000)
NJ Outdoor Heritage Program.....	(1,175,000)
NJ - GIS Conservation Tools and Technical Guidance... (3,095,000)	
Endangered Species	(352,000)
Species of Greater Conservation Need (SGCN) Research. (211,000)	
White Nose Syndrome Grants to States	(101,000)
Hunters' & Anglers' License Fund/N.J. Statewide	
Fisheries Development Project	(6,288,000)
Northeast Wildlife Teamwork Strategy	(180,000)
Boat Access (Fish and Wildlife)	(1,000,000)
Connecting Habitat Across New Jersey	
(CHANJ) Assessments	(200,000)
Wildlife Management Area Conservation Program	(2,000,000)
Bog Turtle Project	(150,000)
Atlantic Brant Migration Ecology Study.....	(431,000)
Wildlife and Sport Fish Restoration Outreach	(319,000)
Fish & Wildlife Input to Activities - Projects of Others.....	(160,000)
Fish and Wildlife Action Plan.....	(75,000)

New Jersey's Landscape Project.....	(547,000)
Statewide Habitat Restoration and Enhancement	(608,000)
Habitat Restoration Monitoring and Evaluation	(340,000)
Wildlife and Sport Fish Restoration Partnership	
Exhibit Development.....	(600,000)
Bobcat Hair Snare Study.....	(417,000)
NJ Fish, Wildlife and Anadromous Fishery Coordination..	(249,000)
Research In Freshwater Fisheries Management.....	(564,000)
Fish Culture and Stocking Project.....	(1,500,000)
Aquatic Recreational Resource Awareness &	
Education Project	(637,000)
Wildlife Research and Management	(4,843,000)
WMA Planning Tool Development	(252,000)
Fish and Wildlife Health	(312,000)
Species of Greater Conservation Need -	
Mammal Research and Management.....	(266,000)
Marine Fisheries Investigation and Management	(4,621,000)
National Estuary Program - Coastal Watershed	
Grant Program	(220,000)
Artificial Reef Enhancement.....	(1,800,000)
National Fish and Wildlife Foundation Delaware	
River Program	(200,000)
Atlantic Coastal Fisheries	(1,880,000)
Inventory of New Jersey Surf Clam Resources.....	(1,151,000)
Clean Vessels	(949,000)
Marine Fisheries Law Enforcement	(954,000)
New Jersey Atlantic and Shortnose Sturgeon	(327,000)
Endangered and Nongame Species Program State	
Wildlife Grants	(936,000)
Community Assistance Program.....	(325,000)
Cooperative Technical Partnership	(2,815,000)
National Dam Safety Program (FEMA).....	(75,000)
High Hazard Dams Grants/Loans	(500,000)

43 Science and Technical Programs

05-4840 Water Supply.....	\$29,000,000
07-4850 Water Monitoring and Resource Management.....	4,699,000
15-4801 Land Use Regulation and Management.....	13,865,000
15-4890 Land Use Regulation and Management.....	1,000,000
18-4810 Science and Research	1,100,000
22-4861 New Jersey Geological Survey	839,000
90-4801 Environmental Policy and Planning	<u>6,101,000</u>
Total Appropriation, Science and Technical Programs.....	<u>\$56,604,000</u>
Personal Services:	

Salaries and Wages	(\$3,202,000)
Employee Benefits	(1,713,000)
Services Other Than Personal.....	(100,000)
Special Purpose:	
Drinking Water State Revolving Fund.....	(973,000)
Drinking Water State Revolving Fund.....	(26,000,000)
Water Infrastructure Improvements for the Nation	(800,000)
Water Pollution Control Program	(1,875,000)
Water Pollution S106 Enhancements	(400,000)
Development Compensatory Mitigation Technical	
Manual and NJ Floristic Quality.....	(187,000)
NJ - FRAMES - Monmouth County	(500,000)
Coastal Zone Management Implementation.....	(2,143,000)
Readiness & Environmental Protection Integration	
Infrastructure Resilience & Natural Resource	
Enhancement	(10,000,000)
Coastal Zone Management Grant - Section 309.....	(798,000)
Coastal Zone Management - Special Merit	(500,000)
Coastal Zone Management Grant - Section 310.....	(450,000)
Development of Coastal Ecological Restoration.....	(267,000)
Multimedia	(455,000)
New Jersey Statewide Water Use Data	(150,000)
National Geologic Mapping Program	(548,000)
Geological and Geophysical Data Preservation USGS	(6,000)
Water Pollution Control	(53,000)
Environmental & Health Effects Tracking.....	(296,000)
Water Monitoring and Planning	(666,000)
Nonpoint Source Implementation (319H)	(3,830,000)
Beach Monitoring and Notification.....	(692,000)

44 Site Remediation and Waste Management

19-4815 Publicly-Funded Site Remediation and Response.....	\$5,030,000
23-4815 Solid and Hazardous Waste Management	381,000
23-4910 Solid and Hazardous Waste Management	647,000
27-4815 Remediation Management.....	<u>9,000,000</u>

Total Appropriation, Site Remediation and Waste

Management..... \$15,058,000

Personal Services:

Salaries and Wages	(\$1,571,000)
Employee Benefits	(847,000)

Special Purpose:

Superfund Core Grant-CPCA.....	(30,000)
Superfund Grants	(5,000,000)

Hazardous Waste - Resource Conservation Recovery Act	(842,000)
Preliminary Assessments/Site Inspections	(578,000)
Brownfields	(564,000)
Remedial Planning Support Agency Assistance	(673,000)
Underground Storage Tanks	(4,953,000)

45 Environmental Regulation

01-4820 Radiation Protection and Quality Assurance	\$500,000
02-4892 Air Pollution Control	10,850,000
09-4860 Public Wastewater Facilities	70,000,000
16-4891 Water Monitoring and Planning	<u>125,000</u>
Total Appropriation, Environmental Regulation	<u>\$81,475,000</u>

Personal Services:

Salaries and Wages	(\$2,362,000)
Employee Benefits	(1,285,000)

Special Purpose:

Radon Program	(315,000)
Air Pollution Maintenance Program	(5,221,000)
BioWatch Monitoring	(394,000)
Particulate Monitoring Grant	(671,000)
Clean Diesel Retrofit	(500,000)
Diesel Emissions Reduction Act - Marine Vessel Emission Reduction	(650,000)
Clean Water State Revolving Fund	(70,000,000)
Underground Injection Control	(77,000)

47 Compliance and Enforcement

02-4855 Air Pollution Control	\$2,500,000
04-4835 Pesticide Control	500,000
08-4855 Water Pollution Control	1,250,000
15-4855 Land Use Regulation and Management	600,000
23-4855 Solid and Hazardous Waste Management	<u>3,740,000</u>
Total Appropriation, Compliance and Enforcement	<u>\$8,590,000</u>

Personal Services:

Salaries and Wages	(\$3,041,000)
Employee Benefits	(1,646,000)

Special Purpose:

Air Pollution Maintenance Program	(1,302,000)
Pesticide Control Consolidated	(215,000)
Underground Storage Tank Program Standard Compliance Inspections	(742,000)
Coastal Zone Management Implementation	(166,000)
Hazardous Waste - Resource Conservation	

Recovery Act.....	(1,478,000)
Total Appropriation, Department of Environmental Protection.....	<u>\$249,781,000</u>

46 DEPARTMENT OF HEALTH***20 Physical and Mental Health******21 Health Services***

01-4215 Vital Statistics.....	\$1,498,000
02-4220 Family Health Services.....	292,369,000
03-4230 Public Health Protection Services	111,006,000
05-4285 Community Health Services.....	23,680,000
08-4280 Laboratory Services.....	8,859,000
12-4245 AIDS Services	<u>81,229,000</u>
Total Appropriation, Health Services.....	<u>\$518,641,000</u>

Personal Services:

Salaries and Wages	(\$35,759,000)
Employee Benefits	(14,937,000)
Materials and Supplies.....	(2,027,000)
Services Other Than Personal.....	(28,421,000)
Maintenance and Fixed Charges.....	(976,000)

Special Purpose:

Vital Statistics Component.....	(83,000)
Maternal and Child Health Block Grant.....	(1,504,000)
Heart Disease and Stroke Prevention	(450,000)
Maternal, Infant and Early Childhood	

Home Visiting Program	(67,000)
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Supplemental Food Program - Women, Infants, and Children (WIC)	(571,000)
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Supplemental Food Program - WIC.....	(737,000)
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Early Intervention for Infants and Toddlers with Disabilities	(159,000)
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N.J. Project: Providing a MED Home in a Neighborhood of Services	(137,000)
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SSDI.....	(65,000)
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Women, Infants, and Children (WIC)

Farmers' Market Nutrition Program	(2,200,000)
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WIC Farmer's Market Food Program	(238,000)
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Abstinence Education - Family Health Services (FHS)	(22,000)
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Early Hearing Detection and Intervention (EHDI)	
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Tracking, Research	(18,000)
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Senior Farmers' Market Nutrition Program	(200,000)
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Universal Newborn Hearing Screening.....	(10,000)
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USDA Incentive Program	(569,000)
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National Cancer Prevention and Control.....	(55,000)
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Commodity Supplemental Food Program	(1,000)
Rape Prevention and Education Program	(1,200,000)
Maternal and Child Health (MCH) Early Childhood Comprehensive System	(140,000)
Prevention and Management of Diabetes, Heart Disease and Stroke	(1,234,000)
Surveillance, Epidemiology and End Results (SEER)	(895,000)
Preventative Health & Health Services Block Grant	(944,000)
Venereal Disease Project	(252,000)
Child Nutrition Program - Inspection Services	(97,000)
Keep Infection out of Immunization	(300,000)
Tuberculosis Control Program	(76,000)
Building and Strengthening	(42,000)
Epidemiology and Laboratory Capacity - Affordable Care Act	(121,000)
Toxic Substances Control Act	(168,000)
Census of Fatal Occupational Injuries BLS	(90,000)
Environmental Health Education	(220,000)
Health Program for Indochinese Refugees	(100,000)
Demonstration Program to Conduct Health Assessments	(307,000)
Conformance with the Manufactured Food Regulatory Program Standard	(340,000)
Adult Blood Lead Surveillance	(12,000)
Developing Health Language 7 Standard Messaging Interface in NJ	(228,000)
Immunization Project	(1,016,000)
Adult Viral Hepatitis Prevention	(65,000)
New Jersey Plan for Private Well Programs	(100,000)
National Program of Cancer Registries	(110,000)
Public Employees Occupational Safety and Health - State Plan	(135,000)
Viral Hepatitis Surveillance	(14,000)
Surveillance of Hazardous Substance Emergency Events ..	(123,000)
Bioterrorism Hospital Emergency Preparedness	(137,000)
Emergency Preparedness for Bioterrorism	(1,176,000)
Pandemic Influenza Healthcare Preparedness	(1,935,000)
National Violent Death Reporting System	(31,000)
Lead Training and Certification Enforcement Program	(95,000)
Fundamental & Expanded Occupational Health	(381,000)
Electronic Patient Care	(350,000)
Public Health Crisis - Opioids	(4,524,000)
Oral Health Grant	(207,000)
State Office of Rural Health	(16,000)

Primary Care Services & Management Planning	(168,000)
Coordinated Integrated Initiative.....	(1,649,000)
Prevention & Public Health Fund - Coordinated Integrated Initiative.....	(1,145,000)
National Cancer Prevention and Control.....	(1,775,000)
Breast and Cervical Cancer Early Detection Program	(62,000)
Prevention and Management of Diabetes, Heart Disease and Stroke.....	(2,500,000)
Tobacco Age of Sale Enforcement (TASE)	(88,000)
West Nile Virus - Laboratory	(200,000)
Epidemiology and Laboratory Capacity - Affordable Care Act	(1,000,000)
Lab Biomonitoring Program - Impact of Biohazards on New Jersey.....	(745,000)
Clinical Laboratory Improvement Amendments Program .	(250,000)
Public Health Laboratory Biomonitoring Planning.....	(1,010,000)
Emergency Preparedness for Bioterrorism - Laboratories .	(703,000)
HIV/AIDS Surveillance Grant	(3,218,000)
Expanded and Integrated HIV Testing	(90,000)
HIV/AIDS Prevention and Education Grant	(257,000)
Housing Opportunities for Persons with AIDS	(27,000)
Comprehensive AIDS Resources Grant	(279,000)
Partnership Ending HIV in Essex & Hudson	(200,000)
Morbidity and Risk Behavior Surveillance	(190,000)
HIV/AIDS Events without Care in New Jersey	(137,000)
Enhanced HIV/AIDS Surveillance - Perinatal	(149,000)
Minority AIDS Initiatives	(406,000)
State Aid and Grants	(393,179,000)
Additions, Improvements and Equipment	(2,827,000)

22 Health Planning and Evaluation

06-4260 Health Care Facility Regulation and Oversight.....	\$18,009,000
07-4270 Health Care Systems Analysis.....	<u>133,400,000</u>
Total Appropriation, Health Planning and Evaluation	<u>\$151,409,000</u>
Personal Services:	
Salaries and Wages	(\$8,110,000)
Employee Benefits	(2,515,000)
Materials and Supplies.....	(50,000)
Services Other Than Personal.....	(1,465,000)
Maintenance and Fixed Charges.....	(685,000)
Special Purpose:	
Long Term Care - Medicaid.....	(963,000)
Implement Patient Safety Act	(200,000)

Nurse Aide Certification Program	(1,000,000)
Medicare/Medicaid Inspections of Nursing Facilities	(1,734,000)
HCSA Medicaid	(1,000,000)
State Aid and Grants	(133,119,000)
Additions, Improvements and Equipment	(568,000)

23 Mental Health and Addiction Services

15-4291 Patient Care and Health Services	\$13,565,000
15-4292 Patient Care and Health Services	9,075,000
15-4294 Patient Care and Health Services	13,757,000
99-4291 Administration and Support Services	5,086,000
99-4292 Administration and Support Services	4,450,000
99-4294 Administration and Support Services	<u>7,067,000</u>

Total Appropriation, Mental Health and

Addiction Services \$53,000,000

Personal Services:

Salaries and Wages	(\$25,964,000)
Materials and Supplies	(2,368,000)
Services Other Than Personal	(19,208,000)
Maintenance and Fixed Charges	(4,110,000)

Special Purpose:

Federal DSH Revenues	(350,000)
Additions, Improvements and Equipment	(1,000,000)

25 Health Administration

99-4210 Administration and Support Services	<u>\$4,116,000</u>
Total Appropriation, Health Administration	<u>\$4,116,000</u>

Personal Services:

Salaries and Wages	(\$626,000)
Employee Benefits	(305,000)
Materials and Supplies	(24,000)
Services Other Than Personal	(17,000)

Special Purpose:

Immunization Program	(1,693,000)
New Jersey's Reducing Health Disparities Initiative	(160,000)
State Aid and Grants	(1,291,000)

Total Appropriation, Department of Health..... \$727,166,000

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

23 Mental Health and Addiction Services

08-7700 Community Services	\$190,157,000
09-7700 Addiction Services	<u>120,966,000</u>

Total Appropriation, Mental Health and Addiction Services....	<u>\$311,123,000</u>
Personal Services:	
Salaries and Wages	(\$4,762,000)
Employee Benefits	(2,285,000)
Materials and Supplies.....	(30,000)
Services Other Than Personal.....	(21,373,000)
Special Purpose:	
Mental Health Preparedness Activities Bioterrorism	(10,000)
Projects for Assistance in Transition From	
Homelessness (PATH)	(3,000)
State Aid and Grants	(282,660,000)

24 Special Health Services

21-7540 Health Services Administration and Management	\$246,665,000
22-7540 General Medical Services.....	<u>10,360,708,000</u>
Total Appropriation, Special Health Services.....	<u>\$10,607,373,000</u>
Personal Services:	
Salaries and Wages	(\$27,995,000)
Materials and Supplies.....	(153,000)
Services Other Than Personal.....	(19,018,000)
Maintenance and Fixed Charges.....	(1,931,000)
Special Purpose:	
Payment to Fiscal Agents.....	(140,684,000)
Professional Standards Review Organization -	
Utilization Review.....	(3,000,000)
Drug Utilization Review Board - Administrative Costs.....	(23,000)
NJ KidCare – Administration.....	(6,803,000)
NJ KidCare B-C-D – Administration.....	(9,868,000)
State Aid and Grants.....	(10,397,123,000)
Additions, Improvements and Equipment	(775,000)

26 Division of Aging Services

20-7530 Medical Services for the Aged	\$34,675,000
55-7530 Programs for the Aged.....	50,499,000
57-7530 Office of the Public Guardian.....	<u>3,210,000</u>
Total Appropriation, Division of Aging Services	<u>\$88,384,000</u>
Personal Services:	
Salaries and Wages	(\$10,581,000)
Employee Benefits	(4,361,000)
Materials and Supplies.....	(935,000)
Services Other Than Personal.....	(3,356,000)
Maintenance and Fixed Charges.....	(2,200,000)
Special Purpose:	

Administration of US Department of Health and

Human Services.....	(5,580,000)
ADM DHS Federal Program - SBUM.....	(2,469,000)
Managed Long Term Services and Supports	(289,000)
Preventative Health and Health Services Grant	(46,000)
Counseling on Health Insurance for Medicare Enrollees.....	(38,000)
Older Americans Act - Title III C1	(101,000)
Elder Abuse - Older Americans Act Title III.....	(163,000)
Ombudsman - Older Americans Act Title III	(50,000)
National Family Caregiver Program	(190,000)
State Aid and Grants.....	(57,666,000)
Additions, Improvements and Equipment	(359,000)

27 Disability Services

27-7545 Disability Services.....	<u>\$2,346,000</u>
Total Appropriation, Disability Services	<u>\$2,346,000</u>

Personal Services:

Salaries and Wages	(\$750,000)
Materials and Supplies.....	(155,000)
Services Other Than Personal.....	(302,000)
State Aid and Grants.....	(1,139,000)

30 Educational, Cultural, and Intellectual Development***32 Operation and Support of Educational Institutions***

01-7601 Purchased Residential Care	\$785,610,000
02-7601 Social Supervision and Consultation.....	162,470,000
03-7601 Adult Activities	149,574,000
05-7610 Residential Care and Habilitation Services	13,799,000
05-7620 Residential Care and Habilitation Services	29,431,000
05-7640 Residential Care and Habilitation Services	39,359,000
05-7650 Residential Care and Habilitation Services	43,740,000
05-7670 Residential Care and Habilitation Services	49,839,000
08-7601 Community Services	33,833,000
99-7601 Administration and Support Services	28,242,000
99-7610 Administration and Support Services	3,060,000
99-7620 Administration and Support Services	6,162,000
99-7640 Administration and Support Services	8,778,000
99-7650 Administration and Support Services	9,359,000
99-7670 Administration and Support Services	<u>10,774,000</u>

Total Appropriation, Operation and Support of

Educational Institutions.....	<u>\$1,374,030,000</u>
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Personal Services:

Salaries and Wages	(\$261,986,000)
Materials and Supplies.....	(34,000)

Services Other Than Personal.....	(13,954,000)
Maintenance and Fixed Charges.....	(2,000)
State Aid and Grants.....	(1,097,654,000)
Additions, Improvements and Equipment	(400,000)

33 Supplemental Education and Training Programs

11-7560 Services for the Blind and Visually Impaired.....	\$12,432,000
99-7560 Administration and Support Services	<u>2,061,000</u>
Total Appropriation, Supplemental Education and Training Programs.....	<u>\$14,493,000</u>

Personal Services:

Salaries and Wages	(\$8,010,000)
Materials and Supplies.....	(212,000)
Services Other Than Personal.....	(405,000)
Maintenance and Fixed Charges.....	(163,000)
State Aid and Grants.....	(5,528,000)
Additions, Improvements and Equipment	(175,000)

50 Economic Planning, Development, and Security

53 Economic Assistance and Security

15-7550 Income Maintenance Management.....	<u>\$1,068,788,000</u>
Total Appropriation, Economic Assistance and Security.....	<u>\$1,068,788,000</u>

Personal Services:

Salaries and Wages	(\$15,364,000)
Services Other Than Personal.....	(25,946,000)

Special Purpose:

Work First New Jersey Technology Investment - Food Stamps	(18,000,000)
EBT - Operational Food Stamp Match For CWA's.....	(4,200,000)
Work First New Jersey - Benefits Transfer - Operational..	(210,000)
Work First New Jersey - Technology Investments	(7,000,000)
Work First New Jersey - Technology Investment - TANF/CCDF	(3,945,000)
EBT Operational - Child Care Discretionary	(200,000)
EBT Operational - Child Care M&M.....	(600,000)
EBT Operational - Child Care TANF	(350,000)
Work First New Jersey - Technology Investments - Title XIX	(14,000,000)
Work First New Jersey - Technology Investment - Title IV-D	(26,500,000)
State Aid and Grants.....	(952,473,000)

70 Government Direction, Management, and Control**76 Management and Administration**99-7500 Administration and Support Services \$29,745,000

Total Appropriation, Management and

Administration..... \$29,745,000

Personal Services:

Salaries and Wages(\$10,404,000)

Services Other Than Personal.....(769,000)

Special Purpose:

Child Support Enforcement Program.....(3,000,000)

Title XIX Medical Assistance.....(9,760,000)

Vocational Rehabilitation Act - Section 120.....(581,000)

Supplemental Nutrition Assistance Program(3,500,000)

Temporary Assistance for Needy Families Block Grant..(1,731,000)

Total Appropriation, Department of Human Services \$13,496,282,000**62 DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT****50 Economic Planning, Development, and Security****51 Economic Planning and Development**18-4570 Research and Information \$7,512,000Total Appropriation, Economic Planning and Development \$7,512,000

Personal Services:

Salaries and Wages(\$4,681,000)

Employee Benefits.....(1,746,000)

Materials and Supplies.....(90,000)

Services Other Than Personal.....(343,000)

Special Purpose:

Reports and Analysis - Unemployment Insurance.....(250,000)

ES 202 Covered Employment & Wages.....(50,000)

Current Employment Statistics(32,000)

Local Area Unemployment Statistics.....(12,000)

Occupational Employment Statistics(40,000)

ES - Labor Market Information.....(91,000)

Redesigned Occupational Safety and Health (ROSH)(5,000)

One Stop Labor Market Information.....(130,000)

Additions, Improvements and Equipment(42,000)

53 Economic Assistance and Security01-4510 Unemployment Insurance..... \$206,421,00002-4515 Disability Determination 77,106,000Total Appropriation, Economic Assistance and Security \$283,527,000

Personal Services:

Salaries and Wages	(\$118,837,000)
Employee Benefits	(62,710,000)
Materials and Supplies.....	(3,700,000)
Services Other Than Personal.....	(47,030,000)
Maintenance and Fixed Charges.....	(10,300,000)
Special Purpose:	
Unemployment Insurance	(15,000,000)
Reed Act Improvements.....	(2,000,000)
Reemployment Eligibility Assessments -	
State Administration	(2,550,000)
Employment Security Revenue.....	(1,700,000)
Disability Determination Services.....	(2,000,000)
Old Age and Survivor Insurance Disability	
Determination Services.....	(1,000,000)
State Aid and Grants	(14,800,000)
Additions, Improvements and Equipment	(1,900,000)

54 Manpower and Employment Services

07-4535 Vocational Rehabilitation Services	\$62,220,000
09-4545 Employment Services	40,784,000
10-4545 Employment and Training Services	147,897,000
12-4550 Workplace Standards.....	<u>5,863,000</u>
Total Appropriation, Manpower and Employment Services.....	<u>\$256,764,000</u>

Personal Services:

Salaries and Wages	(\$58,543,000)
Employee Benefits	(29,485,000)
Materials and Supplies.....	(900,000)
Services Other Than Personal.....	(7,767,000)
Maintenance and Fixed Charges.....	(5,482,000)

Special Purpose:

Vocational Rehabilitation Act of 1973	(600,000)
Employment Services.....	(250,000)
Disabled Veterans' Outreach Program.....	(596,000)
Local Veterans' Employment Representatives	(33,000)
Trade Adjustment Assistance Project.....	(25,000)
Employment Services Grants - Alien Labor Certification ...	(62,000)
Work Opportunity Tax Credit.....	(100,000)
Employment Services Cost Reimbursable Grants -	
Migrant Housing.....	(5,000)
Agricultural Wage Surveys	(23,000)
Workforce Investment Act.....	(146,000)
Employment Services Rapid Response Team.....	(75,000)
Project Reemployment Opportunity System (PROS)	(50,000)

National Council on Aging - Senior Community Services Employment.....	(10,000)
Workforce Investment Act - Adult and Continuing Education.....	(82,000)
Adult Basic Ed Leadership.....	(1,079,000)
Adult Basic Ed Civics Administration.....	(40,000)
Adult Basic Education Civics Leadership.....	(426,000)
Occupational Safety Health Act - On-Site Consultation.....	(461,000)
Mine Safety Educational Program	(62,000)
Public Employees Occupational Safety and Health Act	(100,000)
State Aid and Grants.....	(150,028,000)
Additions, Improvements and Equipment	(334,000)
Total Appropriation, Department of Labor and Workforce Development	<u>\$547,803,000</u>

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

10 Public Safety and Criminal Justice

12 Law Enforcement

06-1200 State Police Operations	\$95,614,000
09-1020 Criminal Justice.....	49,155,000
Total Appropriation, Law Enforcement.....	<u>\$144,769,000</u>

Personal Services:

Salaries and Wages	(\$2,206,000)
Employee Benefits	(1,259,000)

Special Purpose:

Fatality Analysis Reporting System (FARS)	(350,000)
NJSP Training - OHTS Grant	(20,000)
Paul Coverdell National Forensic Science Improvement (Formula)	(600,000)
Domestic Marijuana Eradication Suppression Program.....	(75,000)
Traffic Officer Field Training Officer.....	(650,000)
Flood Mitigation Assistance	(18,000,000)
Fatal Accident Investigation Equipment.....	(39,000)
Recreational Boating Safety.....	(4,300,000)
Internet Crimes Against Children	(1,750,000)
Hazardous Materials Transportation	(1,350,000)
Pre-Disaster Mitigation - Competitive	(10,000,000)
NIEHS Worker Health Safety Training	(150,000)
Emergency Management Performance Grant - Non Terrorism	(9,000,000)
High Priority Hazmat Inspection	(164,000)
Teen Driver Education Program	(136,000)
Port Security - New York/New Jersey (North)	(1,500,000)

Port Security - Delaware Bay (South).....	(1,500,000)
Bicycle Safety Education Grant	(121,000)
Alcotest 7110 - MAP 21	(462,000)
Drive Sober or Get Pulled Over - MAP 21	(353,000)
STOP School Violence Prevention Program.....	(550,000)
D.W.I. Training MAP 21	(1,300,000)
Purchase Evidential Breath Test Project - MAP 21	(67,000)
Child Safety Seat Education Program - MAP 21	(315,000)
Click it or Ticket - MAP 21	(122,000)
Underage Drinking Training & Enforcement Initiative - MAP 21	(186,000)
Victim Centered Law Enforcement Training	(750,000)
Troop D Occupant Restraint Grant	(97,000)
Seatbelt Enforcement Initiative - MAP 21	(109,000)
High Priority Commercial Motor Vehicles Grant	(500,000)
Forensic Casework DNA Backlog Reduction.....	(1,800,000)
Intellectual Property	(450,000)
Presidential Residence Protection Assistance	(500,000)
Community Oriented Policing (COPS) School Violence Prevention	(400,000)
Community Oriented Policing (COPS) Anti-Heroin Task Force Program	(3,000,000)
Community Oriented Policing (COPS) Anti-Gang Initiative.....	(1,000,000)
Urban Search and Rescue.....	(7,500,000)
USAR/FEMA Administration.....	(6,000,000)
Body Cameras	(2,000,000)
Anti-Methamphetamine	(500,000)
Internet Crimes Against Children - Wounded Vet Hire	(150,000)
Community Oriented Policing (COPS) Officer Safety & Wellness	(35,000)
Community Oriented Policing (COPS) Law Enforcement Mental Health	(98,000)
Paul Coverdell National Forensic Science Improvement (Competitive)	(250,000)
Targeted Violence and Terrorism Prevention	(750,000)
Sexual Assault Kit Initiative	(915,000)
National Crime Statistics Exchange	(2,750,000)
Sex Offender Registration and Notification Act (SORNA)	(500,000)
Community Oriented Policing (COPS) Hiring Program	(5,000,000)
MCSAP & New Entrant (Combined).....	(7,000,000)
Forensic DNA Laboratory Efficiency Improvement and Capacity Enhancement.....	(500,000)

Medicaid Fraud Unit	(456,000)
Victim Assistance Grants	(33,320,000)
Enhancement of Data Analysis Center	(50,000)
Justice Assistance Grant (JAG)	(4,000,000)
Sex Offender Registration & Notification Act (SORNA) Reallocation	(225,000)
Victims of Crime Act - Training Discretionary	(1,000,000)
Training for Juvenile Prosecution	(225,000)
Prosecuting Cold Cases Using DNA	(500,000)
Residential Treatment for Substance Abuse	(454,000)
Byrne Criminal Justice Innovation Program	(1,000,000)
Coverdell Competitive	(250,000)
Justice Info Sharing Solution Implementation Project	(500,000)
State Aid and Grants	(3,710,000)

13 Special Law Enforcement Activities

03-1160 Office of Highway Traffic Safety	<u>\$42,150,000</u>
Total Appropriation, Special Law Enforcement Activities	<u>\$42,150,000</u>

Special Purpose:

Federal Highway Safety	(\$800,000)
Highway Safety - Traffic Records	(450,000)
Emergency Services	(175,000)
Non-Motorized Safety	(2,200,000)
Federal Highway Traffic Safety Administration	(700,000)
FHWA Program Management	(200,000)
Motorcycle Training Program	(75,000)
Training Grant - Section 402	(200,000)
Pedestrian Safety Grant	(1,000,000)
Selective Enforcement Management	(4,050,000)
Community Traffic Safety	(3,500,000)
Occupant Protection	(4,000,000)
State Traffic Safety Information System Improvement	(4,600,000)
Impaired Driving Countermeasure	(8,000,000)
Distracted Driving Incentive	(8,000,000)
Motorcycle Safety Grant	(600,000)
Graduated Driver Licensing Incentive	(500,000)
Highway Safety - Alcohol Education and Public Awareness Coordinator	(1,000,000)
Highway Safety - Safety Restraints Program Management	(1,500,000)
Paid Advertising	(600,000)

18 Juvenile Services

99-1500 Administration and Support Services	<u>\$1,013,000</u>
Total Appropriation, Juvenile Services	<u>\$1,013,000</u>
Special Purpose:	
Juvenile Justice Delinquency Prevention	(\$1,013,000)

19 Central Planning, Direction and Management

13-1005 Homeland Security Preparedness	\$36,335,000
99-1000 Administration and Support Services	<u>14,005,000</u>
Total Appropriation, Central Planning, Direction and Management	<u>\$50,340,000</u>

Special Purpose:

Homeland Security Grant Program	(\$7,692,000)
Urban Area Security Initiative (UASI)	(19,050,000)
UASI Nonprofit Security Grant Program (NSGP)	(7,202,000)
Federal Nonprofit Security Grant Program - State	(2,391,000)
Encouraging Innovation	(500,000)
Community Policing Development	(500,000)
Opioids	(2,500,000)
Preventing Wrongful Convictions	(250,000)
Overdose Data to Action	(1,315,000)
National Criminal History Program - Office of the Attorney General	(594,000)
Comprehensive Opioid Stimulants & Substance Abuse Program	(6,000,000)
Postconviction Testing of DNA Evidence	(500,000)
Opioid State Plan and Opioid Response Team (ORT)	(850,000)
Opioid Interagency Drug Awareness Dashboard (IDAD) ..	(996,000)

80 Special Government Services

82 Protection of Citizens' Rights

14-1310 Consumer Affairs	\$2,000,000
16-1350 Protection of Civil Rights	625,000
19-1440 Victims of Crime Compensation Office	<u>3,244,000</u>
Total Appropriation, Protection of Citizens' Rights	<u>\$5,869,000</u>

Special Purpose:

Prescription Drug Monitoring Program	(\$2,000,000)
Equal Employment Opportunity Commission	(300,000)
Housing and Urban Development	(325,000)
Victims of Crime Act - Building State Technology	(344,000)
State Aid and Grants	(2,900,000)

Total Appropriation, Department of Law and Public Safety \$244,141,000

67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS***10 Public Safety and Criminal Justice******14 Military Services***

40-3620 New Jersey National Guard Support Services.....	\$72,973,000
99-3600 Administration and Support Services	<u>16,375,000</u>
Total Appropriation, Military Services	<u>\$89,348,000</u>

Personal Services:

Salaries and Wages	(\$14,668,000)
Employee Benefits	(2,525,000)
Materials and Supplies.....	(26,898,000)
Services Other Than Personal.....	(3,989,000)
Maintenance and Fixed Charges.....	(190,000)

Special Purpose:

Dining Facility Operations.....	(350,000)
Atlantic City SRM 100%	(750,000)
Lakehurst Readiness Center.....	(15,000,000)
Natural and Cultural Resources Management.....	(20,000)
Federal Distance Learning Program.....	(243,000)
Joint Operation Center (JOC) Rebuild.....	(239,000)
Youth Challenge Nutrition Program	(344,000)
Army Facilities Service Contracts	(434,000)
McGuire Air Force Base - Service Contract	(81,000)
Army National Guard Electronic Security System	(350,000)
Training Site Facilities Maintenance Agreements	(22,000)
McGuire Air Force Base Environmental	(39,000)
Atlantic City Air Base Operations and Maintenance	(19,000)
Atlantic City Air Base Environmental	(9,000)
Warren Grove Sustainment Restoration & Modernization	(5,000)
Atlantic City Air Base Sustainment, Restoration and Modernization.....	(191,000)
Armory Renovations and Improvements	(5,726,000)
New Jersey National Guard ChalleNGe Youth Program	(881,000)
Administration and Support Services.....	(175,000)
Administration and Support Services.....	(2,000,000)
Administration and Support Services.....	(250,000)
Sea Girt Energy Grid Upgrade.....	(13,200,000)
Sea Girt Environmental Issues	(250,000)
Sea Girt Security Cameras	(500,000)

80 Special Government Services***83 Services to Veterans***

20-3630 Domiciliary and Treatment Services	\$4,500,000
20-3640 Domiciliary and Treatment Services	4,199,000
20-3650 Domiciliary and Treatment Services	4,500,000

50-3610 Veterans' Outreach and Assistance	672,000
70-3610 Burial Services	19,010,000
99-3610 Administration and Support Services	7,088,000
99-3630 Administration and Support Services	2,286,000
99-3640 Administration and Support Services	389,000
99-3650 Administration and Support Services	<u>2,089,000</u>
Total Appropriation, Services to Veterans	<u>\$44,733,000</u>

Personal Services:

Salaries and Wages	(\$425,000)
Employee Benefits	(132,000)
Materials and Supplies	(5,000,000)
Maintenance and Fixed Charges	(2,888,000)

Special Purpose:

Medicare Part A Receipts for Resident

Care and Operational Costs	(13,199,000)
Veterans' Education Monitoring	(115,000)
Fairmount and Arlington Cemetery Upkeep	(460,000)
Section Z Cemetery Expansion	(13,550,000)
Veteran Home Transfer Switches	(1,200,000)
Veterans' Haven North HVAC/Roof Replacement	(3,000,000)
Menlo Grounds Beautification	(389,000)
Menlo HVAC Renovation	(1,897,000)
Paramus Grounds Beautification	(389,000)
Vineland Grounds Beautification	(389,000)
Vineland ESIP	(1,700,000)

Total Appropriation, Department of Military and

Veterans' Affairs	<u>\$134,081,000</u>
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74 DEPARTMENT OF STATE**30 Educational, Cultural, and Intellectual Development****36 Higher Educational Services**

45-2405 Student Assistance Programs	\$303,000
80-2400 Statewide Planning and Coordination for Higher Education	<u>5,000,000</u>
Total Appropriation, Higher Educational Services	<u>\$5,303,000</u>

Personal Services:

Salaries and Wages	(\$308,000)
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Special Purpose:

National Health Service Corps - Student

Loan Repayment Program	(255,000)
John R. Justice Grant Program	(43,000)
State Aid and Grants	(4,697,000)

37 Cultural and Intellectual Development Services

05-2530 Support of the Arts	<u>\$976,000</u>
Total Appropriation, Cultural and Intellectual Development Services	<u>\$976,000</u>
Personal Services:	
Salaries and Wages	(\$125,000)
Employee Benefits	(274,000)
State Aid and Grants	(577,000)

70 Government Direction, Management, and Control**74 General Government Services**

01-2505 Office of the Secretary of State	\$9,235,000
02-2510 Business Action Center	<u>1,250,000</u>
Total Appropriation, General Government Services	<u>\$10,485,000</u>

Special Purpose:

Foster Grandparent Program	(\$1,200,000)
AMERICOR Competitive Grants	(1,600,000)
AmeriCorps Grants	(5,000,000)
State Commission	(600,000)
Professional Development	(350,000)
Volunteer Generation Fund	(485,000)
State Trade and Export Promotion Pilot Grant Program ..	(1,250,000)

Total Appropriation, Department of State \$16,764,000

78 DEPARTMENT OF TRANSPORTATION**10 Public Safety and Criminal Justice****11 Vehicular Safety**

01-6400 Motor Vehicle Services	<u>\$1,956,000</u>
Total Appropriation, Vehicular Safety	<u>\$1,956,000</u>

Special Purpose:

Commercial Bus Inspection Unit	(\$856,000)
Commercial Drivers' License Program	(1,100,000)

60 Transportation Program**61 State and Local Highway Facilities**

69-6300 Federal Highway Administration	<u>\$1,226,403,882</u>
Total Appropriation, State and Local Highway Facilities	<u>\$1,226,403,882</u>

Federal Highway Administration

Description	County	Amount
ADA Central, Contract 3	Somerset, Middlesex,	

	Hunterdon,	
	Warren	(\$4,200,000)
ADA Curb Ramp Implementation	Various	(1,000,000)
ADA Improvements, Contract 1	Camden	(3,750,000)
ADA South, Contract 1 with ROW	Atlantic,	
	Burlington	(3,381,550)
ADA South, Contract 4	Camden	(7,603,000)
ADA South, Contract 5	Atlantic,	
	Gloucester	(1,998,000)
Atlantic Avenue, Albany to Tennessee Avenues	Atlantic	(2,562,233)
Baltic Avenue, Maine to Missouri Avenues	Atlantic	(100,000)
Beach Avenue (CR 604), Second Avenue to Wilmington Avenue	Cape May	(1,785,000)
Bicycle & Pedestrian Facilities/Accommodations	Various	(2,950,000)
Bridge Deck/Superstructure Replacement Program	Various	(37,505,000)
Bridge Inspection	Various	(21,580,000)
Bridge Maintenance Fender Replacement	Various	(13,418,900)
Bridge Maintenance Scour Countermeasures	Various	(9,000,000)
Bridge Management System	Various	(1,250,000)
Bridge No. C4.13 over Parkers Creek on Centerton Road	Burlington	(450,000)
Bridge Preventive Maintenance	Various	(33,953,000)
Bridge Replacement, Future Projects	Various	(1,000,000)
Brigantine Avenue (CR 638), 29th Street South to 2nd Street South	Atlantic	(2,820,000)
Burlington County Bus Purchase	Burlington	(268,000)
Burlington County Roadway Safety Improvements	Burlington	(800,000)
Camden County Bus Purchase	Camden	(876,000)
Camden County Roadway Safety Improvements	Camden	(300,000)
Camp Meeting Avenue Bridge over Trenton Line, CR 602	Somerset	(2,100,000)
Chadwick Beach Island Bridge (No. 1507-007) over Barnegat Bay	Ocean	(1,000,000)
Circulation Improvements around Trenton Transit Center	Mercer	(160,000)
Clay Street Bridge over the Passaic River	Hudson, Essex	(2,000,000)
County Bridge K0607, New Brunswick Road over Al's Brook	Somerset	(2,500,000)
CR 508 (Central Avenue), Bridge over City Subway	Essex	(500,000)
CR 510 (Columbia Turnpike), Bridge over		

Black Brook	Morris	(400,000)
CR 512 (Valley Road), Bridge over Passaic River	Somerset	(1,000,000)
CR 622 (North Olden Ave), NJ 31 (Pennington Rd) to New York Ave	Mercer	(1,500,000)
CR 654 (Hurffville-Cross Keys Rd), CR 630 (Egg Harbor Rd) to CR 651 (Greentree Rd)	Gloucester	(2,000,000)
CR 706 (Cooper Street) Bridge over Almonesson Creek (Bridge 3-K-3)	Gloucester	(350,000)
CR 712 (College Drive) at Alumni Drive Roundabout and Multi-purpose Trail (Circuit)	Gloucester	(1,825,000)
CR 758 (Coles Mill Rd), Farwood Rd to Grove St	Camden	(1,900,000)
Culvert Replacement Program	Various	(1,000,000)
Cumberland County Federal Road Program	Cumberland	(2,200,000)
D&R Greenway Connector, Wellness Loop to Union St./Cooper Field (Circuit)	Mercer	(911,000)
DBE Supportive Services Program	Various	(500,000)
Delaware & Raritan Canal Bridges	Mercer, Hunterdon, Middlesex, Somerset	(7,776,400)
Design, Emerging Projects	Various	(1,000,000)
Disadvantaged Business Enterprise	Various	(100,000)
Drainage Rehabilitation & Improvements	Various	(13,015,700)
DVRPC, Future Projects	Various	(1,322,000)
Ferry Program	Various	(4,000,000)
Garden State Parkway Interchange 83 Improvements	Ocean	(1,500,000)
Gloucester County Bus Purchase	Gloucester	(179,000)
Griffith Street/Grant Street (CR 657)	Salem	(100,000)
Guiderail Upgrade	Various	(24,000,000)
Hamilton Road, Bridge over Conrail RR	Somerset	(2,800,000)
High-Mast Light Poles	Various	(2,000,000)
Highway Safety Improvement Program Planning	Various	(4,000,000)
Intelligent Traffic Signal Systems	Various	(8,677,100)
Intelligent Transportation System Resource Center	Various	(3,500,000)
Job Order Contracting Infrastructure Repairs, Statewide	Various	(10,000,000)
Kaighn Avenue (CR 607), Bridge over Cooper River (Roadway and Bridge Improvements)	Camden	(755,000)
Landis Avenue Phase VI, Route 55 to Mill Road	Cumberland	(1,300,000)

Local CMAQ Initiatives	Various	(10,722,000)
Local Concept Development Support	Various	(3,900,000)
Local Safety/ High Risk Rural Roads Program	Various	(21,828,000)
Manhattan Avenue Retaining Wall	Hudson	(1,200,000)
Market Street/Essex Street/Rochelle Avenue	Bergen	(2,200,000)
Martin Luther King Avenue Bridge (No. 1400-118) over the Whippany River	Morris	(1,000,000)
Mercer County Bus Purchase	Mercer	(915,000)
Metropolitan Planning	Various	(27,417,183)
Mobility and Systems Engineering Program	Various	(6,507,900)
Monmouth County Bridges W7, W8, W9 over Glimmer Glass and Debbie's Creek	Monmouth	(4,000,000)
Motor Vehicle Crash Record Processing	Various	(2,500,000)
New Jersey Regional Signal Retiming Initiative	Burlington; Camden, Gloucester, Mercer	(380,000)
New Jersey Scenic Byways Program	Various	(500,000)
New or Upgraded Traffic Signal Systems at Intersections, Phase 1	Camden	(250,000)
NJTPA, Future Projects	Various	(111,067,009)
Oak Tree Road Bridge, CR 604	Middlesex	(1,800,000)
Openaki Road Bridge	Morris	(1,000,000)
Ozone Action Program in New Jersey	Various	(40,000)
Pavement Preservation	Various	(15,000,000)
Pavement Preservation, NJTPA	Various	(22,000,000)
Pedestrian Bridge over Route 440	Hudson	(3,550,000)
Picket Place, CR 567 Bridge (C0609) over South Branch of Raritan River	Somerset	(1,400,000)
Planning and Research, Federal-Aid	Various	(34,133,000)
Portway, Fish House Road/Pennsylvania Avenue, CR 659	Hudson	(44,400,000)
Pre-Apprenticeship Training Program for Minorities and Women	Various	(500,000)
Prospect Street, Bridge over Belvidere-Delaware RR (Abandoned)	Mercer	(900,000)
Rail-Highway Grade Crossing Program, Federal	Various	(11,880,292)
Recreational Trails Program	Various	(1,226,757)
Regional Action Program	Various	(5,000,000)
Regional Transportation Demand Management (TDM) Program	Various	(50,000)
Restriping Program & Line Reflectivity Management System	Various	(14,751,100)

Resurfacing Improvements of Landis Avenue from 69th to Townsends Inlet Bridge	Cape May	(585,000)
Resurfacing, Federal	Various	(4,000,000)
Right of Way Full-Service Consultant Term Agreements	Various	(300,000)
Route 1, Alexander Road to Mapleton Road	Mercer, Middlesex	(7,500,000)
Route 3 & Route 495 Interchange	Hudson	(10,000,000)
Route 3, Route 46, Valley Road and Notch/Rifle Camp Road Interchange, Contract B	Passaic	(26,441,000)
Route 4, Bridge over Palisade Avenue, Windsor Road and CSX Railroad	Bergen	(1,500,000)
Route 4, Grand Avenue Bridge	Bergen	(1,750,000)
Route 4, Hackensack River Bridge	Bergen	(7,000,000)
Route 4, Jones Road Bridge	Bergen	(26,300,000)
Route 4, Teaneck Road Bridge	Bergen	(2,495,000)
Route 9, Indian Head Road to Central Ave/Hurley Ave, Pavement	Ocean	(43,500,000)
Route 9, Wrights Lane to Harbor Road	Cape May	(9,300,000)
Route 15 and Berkshire Valley Road (CR 699)	Morris	(6,130,000)
Route 15 NB, Bridge over Abandoned Mount Hope Mineral Railroad	Morris	(400,000)
Route 15 SB, Bridge over Rockaway River	Morris	(11,450,000)
Route 17, Bridges over NYS&W RR & RR Spur & Central Avenue (CR 44)	Bergen	(3,500,000)
Route 17, Pierrepont Ave to Terrace Ave/Polifly Rd (CR 55)	Bergen	(6,500,000)
Route 18 NB, Bridge over Conrail	Middlesex	(2,520,000)
Route 18, East Brunswick, Drainage and Pavement Rehabilitation	Middlesex	(33,500,000)
Route 20, Paterson Safety, Drainage and Resurfacing	Passaic	(29,231,000)
Route 21, Newark Riverfront Pedestrian and Bicycle Access	Essex	(4,700,000)
Route 22, Broad Street (CR 623) to Route 27 (Empire Street)	Union, Essex	(4,100,000)
Route 23, Alexander Road to Maple Lake Road	Morris	(12,100,000)
Route 23, High Crest Drive to Macopin River	Passaic	(2,800,000)
Route 23, Route 80 and Route 46 Interchange	Passaic, Essex	(3,800,000)
Route 27 NB (Cherry Street), Bridge over Conrail	Union	(2,300,000)
Route 27, Witherspoon Street	Mercer	(950,000)
Route 28, Route 287 to CR 525 (Thompson Avenue)	Somerset	(1,190,000)

Route 29, Bridge over Copper Creek	Hunterdon	(800,000)
Route 29, Cass Street to Calhoun Street, Drainage	Mercer	(12,220,000)
Route 30, Bridge over Duck Thorofare	Atlantic	(2,200,000)
Route 30, Cooper Street to Grove Street	Camden	(2,400,000)
Route 30, CR 542 (Sea Grove Ave/Central Ave) to Weymouth Rd (CR 640)	Atlantic	(3,500,000)
Route 31, Route 78/22 to Graysrock Road	Hunterdon	(250,000)
Route 33 Business, Bridge over Conrail Freehold Secondary Branch	Monmouth	(1,000,000)
Route 42 SB, Leaf Avenue Extension to Creek Road (CR 753)	Camden	(1,500,000)
Route 45, Bridge over Woodbury Creek	Gloucester	(520,000)
Route 46, Canfield Avenue	Morris	(4,400,000)
Route 46, Route 23 (Pompton Avenue) to Route 20, ITS	Passaic	(9,000,000)
Route 46, Route 287 to Route 23 (Pompton Avenue), ITS	Morris, Essex, Passaic	(14,500,000)
Route 46, Route 80 to Walnut Road	Warren	(100,000)
Route 47, Bridge over Big Timber Creek	Gloucester, Camden	(33,100,000)
Route 47, Bridge over Dennis Creek	Cape May	(300,000)
Route 53, Pondview Road to Hall Avenue	Morris	(7,100,000)
Route 57, CR 519 Intersection Improvement	Warren	(2,500,000)
Route 71, Bridge over NJ Transit (NJCL)	Monmouth	(3,000,000)
Route 73 and Ramp G, Bridge over Route 130	Camden	(1,700,000)
Route 76, Nicholson Road, Advanced Utility Relocation, Contract 2	Camden	(3,500,000)
Route 80, Bridges over Howard Boulevard (CR 615)	Morris	(1,500,000)
Route 80, Riverview Drive (CR 640) to Polifly Road (CR 55)	Passaic, Bergen	(16,000,000)
Route 88, Bridge over Beaver Dam Creek	Ocean	(1,200,000)
Route 94, Pleasant Valley Drive to Maple Grange Road	Sussex	(1,500,000)
Route 130, Bridge over Big Timber Creek	Camden, Gloucester	(45,600,000)
Route 130, CR 545 (Farnsworth Avenue)	Burlington	(1,100,000)
Route 130/206, CR 528 (Crosswicks Rd) to Route 206 at Amboy Rd	Burlington	(1,500,000)

Route 202, Bridge over North Branch of Raritan River	Somerset	(2,300,000)
Route 202, First Avenue Intersection Improvements	Somerset	(3,267,000)
Route 206, Monmouth Road/Juliustown Road Intersection Improvements (CR 537)	Burlington	(6,700,000)
Route 295/42, Missing Moves, Bellmawr	Camden, Gloucester	(60,000,000)
Route 439, Route 28 (Westfield Ave) to Route 27 (Newark Ave)	Union	(8,700,000)
Safe Routes to School Program	Various	(5,587,000)
Safety Programs	Various	(13,309,000)
Schalcks Crossing Road Bridge, CR 683	Middlesex	(5,400,000)
Sicklerville Road (CR 705) and Erial Road (CR 706) Systemic Roundabout	Camden	(172,000)
Sign Structure Rehabilitation/Replacement Program	Various	(1,000,000)
Sixth Avenue (CR 652), Bridge over Passaic River	Passaic	(500,000)
SJTPO, Future Projects	Various	(357,000)
South Greenwich Street/Telegraph Road (CR 540), Phase 1	Salem	(1,500,000)
Statewide Traffic Operations and Support Program	Various	(18,000,000)
Storm Water Asset Management	Various	(2,000,000)
Taft Avenue, Pedestrian Bridge over Route 80	Passaic	(5,450,000)
Tilton Road (CR 563) – Section 7	Atlantic	(1,175,000)
Traffic Monitoring Systems	Various	(12,000,000)
Training and Employee Development	Various	(2,000,000)
Transportation Alternatives Program	Various	(9,638,758)
Transportation and Community Development Initiative (TCDI) DVRPC	Various	(705,000)
Transportation Management Associations	Various	(6,450,000)
Transportation Operations	Various	(130,000)
Transportation Systems Management and Operations (TSMO)	Various	(166,000)
Trenton Amtrak Bridges	Mercer	(3,000,000)
Tyler Road (CR 611)	Cape May	(1,000,000)
US 322/CR 536 (Swedesboro Rd), Woolwich-Harrison Twp Line to NJ 55	Gloucester	(3,000,000)
Utility Pole Mitigation	Various	(175,000)
Walt Whitman Bridge NJ Corridor Resurfacing	Camden	(1,800,000)
Washington Turnpike, Bridge over West		

Branch of Wading River	Burlington	(200,000)
Welchville Road (CR 540)	Salem	(100,000)
Youth Employment and TRAC Programs	Various	(350,000)

62 Public Transportation

Federal Highway Administration.....	\$76,000,000
Federal Transit Administration	<u>664,020,200</u>
Total Appropriation, Public Transportation	<u>\$740,020,200</u>

Federal Transit Administration

Description	County	Amount
Rail Rolling Stock Procurement	Various	(\$75,000,000)
Transit Enhancements/ Transportation Alternative Program (TAP)/ Alternative Transit Improvements (ATI)	Various	(\$1,000,000)

Federal Transit Administration

Description	County	Amount
Cumberland County Bus Program	Cumberland	(\$1,020,000)
Lyndhurst Intermodal ADA Improvements	Bergen	(11,132,000)
NEC Improvements	Various	(57,819,000)
Other Rail Station/Terminal Improvements	Various	(7,010,000)
Portal Bridge North	Various	(125,000,000)
Preventive Maintenance-Bus	Various	(112,690,000)
Preventive Maintenance-Rail	Various	(249,329,700)
Rail Rolling Stock Procurement	Various	(49,275,900)
Rail Support Facilities and Equipment	Various	(14,096,000)
Section 5310 Program	Various	(7,732,700)
Section 5311 Program	Various	(4,018,200)
Technology Improvements	Various	(4,100,000)
Transit Enhancements/Transportation Alternative Program (TAP)/Alternative Transit Improvements (ATI)	Various	(20,796,700)

60 Transportation Program**64 Regulation and General Management**

05-6070 Multimodal Services.....	<u>\$7,277,000</u>
Total Appropriation, Regulation and General Management	<u>\$7,277,000</u>

Special Purpose:

Motor Carrier Safety Assistance Program.....	(\$1,500,000)
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Development and Implementation Grant - Federal

Transit Administration.....	(1,527,000)
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Airport Fund.....	(2,000,000)
Boating Infrastructure Program (New Jersey Maritime Program)	(1,600,000)
High Priority Innovative Technology Deployment (ITD) Grant.....	(650,000)

Total Appropriation, Department of Transportation \$1,975,657,082

82 DEPARTMENT OF THE TREASURY

50 Economic Planning, Development, and Security

52 Economic Regulation

54-2019 Utility Regulation.....	\$800,000
56-2014 Energy Resource Management.....	<u>1,874,000</u>
Total Appropriation, Economic Regulation.....	<u>\$2,674,000</u>
Services Other Than Personal.....	(\$1,874,000)
Special Purpose:	
Pipeline Safety	(800,000)

70 Government Direction, Management, and Control

72 Governmental Review and Oversight

08-2066 Office of the State Comptroller	<u>\$6,048,000</u>
Total Appropriation, Governmental Review and Oversight	<u>\$6,048,000</u>
Personal Services:	
Salaries and Wages	(\$5,571,000)
Special Purpose:	
Medicaid	(477,000)

80 Special Government Services

82 Protection of Citizens' Rights

58-2022 Mental Health Advocacy	\$223,000
81-2097 State Long-Term Care Ombudsman.....	<u>\$1,141,000</u>
Total Appropriation, Protection of Citizens' Rights	<u>\$1,364,000</u>
Personal Services:	
Salaries and Wages	(\$626,000)
Employee Benefits	(278,000)
Special Purpose:	
Medicaid Reimbursement	(223,000)
Money Follows the Person Program - Elder Advocacy	(237,000)

Total Appropriation, Department of the Treasury \$10,086,000

98 THE JUDICIARY

10 Public Safety and Criminal Justice

15 Judicial Services

05-9730 Family Courts	\$41,733,000
07-9740 Probation Services	78,727,000
11-9760 Trial Court Services	<u>2,875,000</u>
Total Appropriation, Judicial Services	<u>\$123,335,000</u>

Personal Services:

Salaries and Wages	(\$2,875,000)
Services Other Than Personal	(300,000)

Special Purpose:

NJ Court Improvement Training	(300,000)
Child Support and Paternity Program	
Title IV-D (Family Court)	(40,408,000)
NJ State Court Improvement Grant	(400,000)
State Access and Visitation Program	(325,000)
Child Support and Paternity Program Title IV-D	
(Probation)	(78,727,000)

Total Appropriation, The Judiciary

\$123,335,000

Total Appropriation, Federal Funds

\$21,026,030,082

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 \$500,000 of unanticipated grant awards plus an additional 25 percent of any remaining award amount that is greater than \$500,000, and up to 25 percent 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 percent 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.

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, except for any unexpended prior-year balances of federal Coronavirus State Fiscal Recovery Fund assistance the State received under the American Rescue Plan Act of 2021. The Director of the Division of Budget and Accounting shall inform the Legislative Budget and Finance Officer by November 1 of the current fiscal year of any unexpended balances which are continued, including any unexpended balances of federal Coronavirus State Fiscal Recovery Fund assistance.

Notwithstanding the provisions of any law or regulation to the contrary, funding allocated to the State from the federal “Coronavirus State Fiscal Recovery Fund” (SFRF) established pursuant to the federal “American Rescue Plan Act of 2021,” Pub. L. 117-2, and any other similar type of federal law that may be hereafter enacted, are appropriated and are subject to the following conditions:

a. with regard to individual items of appropriation in this act, that are eligible for SFRF funding, as determined by the Executive Director of the Governor’s Disaster Recovery Office, such eligible items may be paid for using SFRF funds, subject to the approval of the Director of the Division of Budget and Accounting;

b. with regard to additional programs, projects, and uses of SFRF funds, moneys appropriated by this provision shall be used solely to pay for costs authorized to be paid pursuant to SFRF, which may include, but shall not be limited to, support for the public health response to the COVID-19 Pandemic and the public health emergency and economic distress resulting therefrom; grants to improve ventilation in school facilities and private businesses; responses to the negative economic impacts of the public health emergency, including rent, mortgage, or utility assistance to households; aid to businesses in impacted industries such as tourism, travel, and hospitality; costs of programs to address health disparities including through the remediation of lead hazards; water, sewer, and broadband infrastructure; costs to address educational disparities; and costs to promote healthy childhood environments, including the creation of a child care revitalization fund. The determination of eligibility of the specific programs, projects, and uses recommended to be funded by this appropriation shall be made by the Executive Director of the Governor’s Disaster Recovery Office, who shall establish an application and review process based on Statewide need, in compliance with federal eligibility requirements, subject to the approval of the Director of the Division of Budget and Accounting. Funding recommendations shall be subject to the approval of the Joint Budget Oversight Committee (JBOC); provided, however, there is appropriated \$200,000,000 from federal funds provided to the State of New Jersey pursuant to the SFRF, which may be directly allocated to pandemic-related programs without JBOC approval, not to exceed \$10,000,000 for each such eligible program, as determined by the Executive Director of the Governor’s Disaster Recovery Office, subject

to the approval of the Director of the Division of Budget and Accounting. Notice shall be provided to JBOC with respect to each such appropriation. With respect to recommended appropriations of more than \$10,000,000, and with respect to appropriations exceeding a total of \$200,000,000, approval of the Joint Budget Oversight Committee shall be required; and

c. subject to the approval of the Director of the Division of Budget and Accounting, appropriations shall include necessary administrative costs of the respective agencies in administering the individual programs and for the SFRF grants management costs incurred by the Department of Community Affairs, Division of Disaster Recovery & Mitigation, as the State's designated grants manager, in its oversight of the entire portfolio of funds, consistent with SFRF requirements. The administrative costs authorized in this subparagraph for an individual program shall be no more than 2.5 percent of the cost of that program and may not exceed \$150,000,000 in total across all programs. In the event that the administrative costs of the agencies and the division administering the programs and projects funded by the SFRF are not permitted to be paid from the federal monies received by the State, there are appropriated from the General Fund such additional sums as are required, subject to the limitations contained in this subparagraph and subject to the approval of the Director of the Division of Budget and Accounting and subject to the approval of the Joint Budget Oversight Committee.

Notwithstanding the provisions of any law or regulation to the contrary, moneys are appropriated from the federal "Coronavirus State Fiscal Recovery Fund" (SFRF) established pursuant to the federal "American Rescue Plan Act of 2021," Pub. L. 117-2, in the following amounts for the following purposes without the additional approval by the Joint Budget Oversight Committee:

Program	Cost
School and Small Business Energy Efficiency Stimulus Program	\$180,000,000
Child Care Revitalization Fund	100,000,000
Commuter and Transit Bus Private Carrier Pandemic Relief and Jobs Program	25,000,000
World Cup and Meadowlands Complex	15,000,000
Water and Sewer – Fort Monmouth	10,500,000
County Special Service Schools	10,000,000
Camden City Sewer Disconnect	10,000,000
Public Access Lake Stormwater Management Grants to Greenwood Lake Commission, Lake Hopatcong Commission, and Other Qualified Lake Management Entities	10,000,000
Unemployment Processing Modernization and Improvements	10,000,000
Food and Hunger	10,000,000
Home Lead Paint Remediation	10,000,000
New Jersey Performing Arts Center – Operating Aid	5,000,000

Local Government Infrastructure Planning	5,000,000
Legal Services of New Jersey	5,000,000
Water Quality Accountability Municipal Compliance (Cyber security)	5,000,000
MVC Mobile Agency Units	2,000,000
Milltown Water Line Relining	2,000,000
Dredging the Woodbridge Township Marina	1,500,000

Notwithstanding the provisions of any law or regulation to the contrary, \$450,000,000 from funding allocated to the State from the federal "Coronavirus State Fiscal Recovery Fund" established pursuant to the federal "American Rescue Plan Act of 2021," Pub. L. 117-2 is appropriated to New Jersey's three designated regional Level I Trauma Centers, University Hospital, Newark, Robert Wood Johnson University Hospital, New Brunswick, and Cooper Hospital/University Medical Center, Camden, for the purpose of strengthening regional health emergency preparedness infrastructure in the north, central, and southern regions of the State, subject to the following conditions: each regional trauma center shall submit to the Commissioner of the Department of Health a preparedness improvement plan detailing its proposed use of appropriated funds, which plan shall describe the manner in which the plan would enhance the quality of the State's response to a pandemic or any future large-scale health emergency or catastrophic event. Each preparedness improvement plan shall also set forth the manner in which local communities would benefit, including local hiring and staffing efforts. Each preparedness improvement plan also shall contain a certification indicating that the proposed use of appropriated funds will be financially self-sustaining in the future, without any additional or ongoing operational costs to be borne by the State or local government entity, and if the use involves capital construction, a statement describing the manner in which the State prevailing wage, project labor agreement, and other applicable wage and labor laws will be observed. Each of the three designated Level I trauma centers shall be eligible for an equal share of the appropriated funds, subject to a determination by the Commissioner of Health that the proposed use of funds would strengthen regional health emergency preparedness, and subject to a determination by the Executive Director of the Governor's Disaster Recovery Office, that the proposed use of the funds is an eligible purpose under the American Rescue Plan Act of 2021, subject to the approval of the Director of the Division of Budget and Accounting.

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 Ser-

vices 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 security needs of this State. Such purchasing agreement may provide for the sharing of costs and the methods of payments relating to such purchases. Furthermore, a county government awarding a contract for Homeland Security equipment, goods or services, may, with the approval of the

vendor, extend the terms and conditions of the contract to any other county government that wants to purchase under that contract, subject to notice and documentation requirements issued by the Director of the Division of Local Government Services.

Of the amounts appropriated for Income Maintenance Management, amounts may be transferred to the various departments in accordance with the Division of Family Development's agreements, subject to the approval of the Director of the Division of Budget and Accounting. Any unobligated balances remaining from funds transferred to the departments shall be transferred back to the Division of Family Development subject to the approval of the Director of the Division of Budget and Accounting.

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 the provisions of any other 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 amounts 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 Board of Public Utilities (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 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 percent 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 appropriations 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.

The federal grant funds hereinabove appropriated are subject to the following condition: in the event that the agency receiving the funds from the federal government enters into an agreement with another agency as the subgrantee of such federal funds, the funds may be transferred to such subgrantee agency, 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 activity, 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.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of mental health and substance use disorder services, amounts may be transferred to and from the various items of appropriation and within the federal matching funding, within the General Medical Services program classification in the Division of Medical Assistance and Health Services and the Community Services and Addiction Services program classifications in the Division of Mental Health and Addiction Services, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of subsection d. of section 21 of P.L.1984, c.73 (C.27:1B-21), or any other law or regulation to the contrary, transfers among the Federal Highway Administration and the Federal Transit Administration federal appropriations by project, under the category of Public Transportation, shall not require approval by the Joint Budget Oversight Committee. 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.

GENERAL PROVISIONS

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 judgeships in the Judiciary, and for Clinical Legal Programs for the Poor at Rutgers 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 appropriation in different appropriation classifications herein entitled as Direct State Services, Grants-In-Aid, State Aid, Capital Construction and Debt Service;

(5) Requests for the transfer of federal funds, in amounts greater than \$300,000, from one item of appropriation to another item of appropriation, if the amount of the transfer to an item in combination with the amount of the appropriation to that item would result in an amount in excess of the appropriation authority for that item, as defined by the program class;

(6) Requests for such other transfers as are appropriate in order to ensure compliance with the legislative intent of this act.

b. The Joint Budget Oversight Committee or its successor may review all transfer requests submitted for legislative approval and may direct the Legislative Budget and Finance Officer to approve or disapprove any such transfer request. Transfers submitted for legislative approval pursuant to paragraph (4) of subsection a. of this section shall be made only if approved by the Legislative Budget and Finance Officer at the direction of the committee.

c. The Legislative Budget and Finance Officer shall approve or disapprove requests for the transfer of funds submitted for legislative approval within 10 working days of the physical receipt thereof and shall return them to the director. If any provision of this act or any supplement thereto requires the Legislative Budget and Finance Officer to approve or disapprove requests for the transfer of funds, the request shall be deemed to be approved by the Legislative Budget and Finance Officer if, within 20 working days of the physical receipt of the request, the officer 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 (JBOC). Appropriations referred to JBOC 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 or the New Jersey Community College Consortium for Workforce and Economic Development as if each 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 percent of claims approved by the State by June 30. The impact of federal claim adjustments may be charged against current year revenue disbursements, subject to the approval of the Director of the Division of Budget and Accounting.

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 percent 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 \$.35 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. 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.

47. There is appropriated \$172,000 from the Casino Simulcasting Fund for transfer to the Casino Revenue Fund.

48. 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.

49. 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.

50. 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.

51. 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.

52. 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.

53. Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated from the Universal Service Fund \$67,650,000 for transfer to the General Fund as State revenue.

54. 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.

55. In addition to the amounts herein appropriated for University Hospital, there are appropriated such additional amounts 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.

56. The amounts hereinabove appropriated for the University Behavioral Healthcare Centers (UBHC) - Rutgers, the State University - 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, Rutgers, the State University - New Brunswick 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 Rutgers, the State University - New Brunswick 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.

57. 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 Rutgers, the State University - New Brunswick for the operation of the centers.

58. 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 Univer-

sity 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.

59. 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.

60. 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.

61. 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.

62. 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 (C.52:9H-24 et seq.) 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 \$104,500,000 there is appropriated sufficient funding to total \$104,500,000. 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 \$104,500,000 shall be deemed a "Base Year Appropriation."

63. 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.

64. 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.

65. 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.

66. 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.

67. 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.

68. 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.

69. 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.

70. Notwithstanding the provisions of any law or regulation to the contrary, it is not possible in the current fiscal year to appropriate monies to fund all programs authorized or required by statute. As a result, the Governor's Budget Message and Recommendations for the current fiscal year 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 the current fiscal year in this 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.

71. 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 subparagraph b. of paragraph 7 of Section I of Article VIII of the New Jersey Constitution derived from sales tax collected in such enterprise zone.

72. Notwithstanding the provisions of any other 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.

73. 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.

74. 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.

75. Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated to the New Jersey Real Estate Commission, Civil Service Commission, 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 Service Commission, the Chairman of the Public Employment Relations Commission, and any commissioner or board member of any other State board, commission or independent authority who, in addition to being a member of the board or commission also hold a full time staff position for such entity.

76. 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.

77. 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.

78. 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 (C.48:23-18 et al.) 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 (C.48:23-18 et al.) consistent with FCC requirements.

79. Notwithstanding the provisions of sections 5 and 6 of P.L.1990, c.44 (C.52:9H-18 and C.52:9H-19) or any other law or regulation to the contrary, the balance in the Surplus Revenue Fund may be transferred to the General Fund, subject to the approval of the Director of the Division of Budget and Accounting.

80. Notwithstanding the provisions of any 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.

81. Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated to the Department of Human Services, the Department of Children and Families, and the Department of Health are conditioned upon the following provision: In order to ensure federal participation, the State's NJ FamilyCare program shall be administered in accordance with the provisions of the State plan(s) or the Comprehensive Medicaid Waiver, as approved by the federal Centers for Medicare and Medicaid Services, that are or were inserted by the Department into the State plan(s) or the Comprehensive Medicaid Waiver in order to comply with Pub.L. 111-148, Pub.L. 111-152 or with any federal regulations adopted pursuant thereto.

82. 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 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, the director of the Division of Budget and Accounting may reserve an amount of excess appropriated State funds.

83. Notwithstanding the provisions of section 8 of P.L.1992, c.160 (C.26:2H-18.58) or any other law or regulation to the contrary, an amount not to exceed \$661,865,000,

as determined by the Director of the Division of Budget and Accounting, is appropriated from the Health Care Subsidy Fund to the Division of Medical Assistance and Health Services to fund Medical Coverage - Title XIX Parents and Children in the General Medical Services program classification.

84. Notwithstanding the provisions of any law or regulation to the contrary, proceeds received from the sale of surplus State-owned real property 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 deposit into the General Fund as State revenue, subject to the approval of the Director of the Division of Budget and Accounting; proceeds received in connection with asset value optimization initiatives other than the sale of surplus State-owned real property are appropriated to support State obligations to the retirement systems, consistent with federal law and regulation, subject to the approval of the Director of the Division of Budget and Accounting. In addition to the amounts hereinabove appropriated for the Department of the Treasury, there are appropriated such additional amounts as are necessary to pay for costs associated with implementing asset value optimization initiatives.

85. Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amounts hereinabove appropriated for environmental protection, there are appropriated such additional amounts as the Commissioner of Environmental Protection and the President of the Board of Public Utilities may determine to be necessary to ensure that the State of New Jersey rejoins the Regional Greenhouse Gas Initiative in an expeditious manner, subject to the approval of the Director of the Division of Budget and Accounting.

86. Payments to the various State defined pension systems from amounts appropriated herein shall be made on a quarterly basis on the following schedule: at least 25 percent by September 30, at least 50 percent by December 31, at least 75 percent by March 31, and at least 100 percent by June 30, and shall be reduced by any increase in the interest on tax and revenue anticipation notes attributable to the need to borrow more for the purpose of making such quarterly installments for transfer to the Interest on Short Term Notes account in the Interdepartmental Accounts.

87. Notwithstanding the provisions of section 17 of this act to the contrary, the Director of the Division of Budget and Accounting may establish accounts and transfer amounts appropriated to the Preserve New Jersey Green Acres Fund, Preserve New Jersey Blue Acres Fund, Preserve New Jersey Farmland Preservation Fund and the Preserve New Jersey Historic Preservation Fund pursuant to the "Preserve New Jersey Act," P.L.2016, c.12 (C.13:8C-43 et seq.), as amended by P.L.2019, c.136, in a manner that is consistent with the provisions of the act and acts appropriating monies to these funds. The transfer of amounts shall be subject to the approval or disapproval of the Joint Budget Oversight Committee (JBOC). If JBOC does not disapprove a transfer within ten days of notification, the transfer shall be deemed approved. The unexpended balances at the end of the preceding fiscal year in these accounts are appropriated for the same purpose.

88. Notwithstanding the provisions of any law or regulation to the contrary, in order to achieve cost savings, improve timeliness, and minimize fraud, State agencies may

obtain employment and income information from a third-party commercial consumer reporting agency, in accordance with the federal "Fair Credit Reporting Act," 15 U.S.C. s.1681 et seq., for the purpose of obtaining real-time employment and income information to help determine program eligibility.

89. Notwithstanding the provisions of any State bidding or procurement laws to the contrary, except for the provisions of P.L.2005, c.51 (C.19:44A-20.13 et seq.) and P.L.1975, c.127 (C.10:5-31 et seq.), and to take advantage of cost-savings and efficiencies, any funds appropriated to any State department that may otherwise be expended on advertising shall be available for the purchase of public education programming, public service announcements, public awareness and education messaging, and advertising from the providers to the same or their non-profit trade associations.

90. Notwithstanding the provisions of any law or regulation to the contrary, 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 of commissions, prizes, and expenses of developing and implementing games pursuant to section 7 of P.L.1970, c.13 (C.5:9-7) shall be charged to the operations account as established pursuant to subsection c. of section 6 of P.L.2017, c.98 (C.5:9-22.10) within Common Pension Fund L as established pursuant to subsection a. of section 6 of P.L.2017, c.98 (C.5:9-22.10) for the term of the lottery contribution authorized pursuant to section 4 of P.L.2017, c.98 (C.5:9-22.8).

91. Notwithstanding the provisions of any law or regulation to the contrary, and in furtherance of the purposes of the "Lottery Enterprise Contribution Act," P.L.2017, c.98 (C.5:9-22.5 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 to implement the "Lottery Enterprise Contribution Act," including the costs of consultants, professional advisors including lawyers, and any other costs determined to be necessary to implement the "Lottery Enterprise Contribution Act," P.L.2017, c.98 (C.5:9-22.5 et al.).

92. Notwithstanding the provisions of any law or regulation to the contrary, the Director of the Division of Budget and Accounting, with the approval of the State Treasurer, shall provide that appropriations from the State General Fund be transferred and recorded as appropriations from the Property Tax Relief Fund to reflect the amounts as deemed necessary by the State Treasurer to offset the loss of the proceeds derived from the lottery contribution reallocated pursuant to P.L.2017, c.98 (C.5:9-22.5 et al.) from the State General Fund to Common Pension Fund L. Provided however, that any transfer shall take effect 20 days after written notice thereof is provided to the Joint Budget Oversight Committee, if the committee takes no action disapproving a transfer. Any appropriation shifted from the State General Fund to the Property Tax Relief Fund pursuant to this provision shall be appropriated in a manner consistent with the provisions of Article VIII, Section I, paragraph 7 of the New Jersey Constitution and the Director may warrant the necessary payments from the Property Tax Relief Fund, provided further however, that all available unreserved, undesignated fund balance in the Property Tax Relief Fund as determined by the State Treasurer shall be used to support

the appropriations.

93. Any funds that may be received by the State of New Jersey from the Environmental Mitigation Trust established in partial settlement of In re: Volkswagen "Clean Diesel" Marketing, Sales Practices and Products Liability Litigation, Case No: MDL No. 2672 CRB (JSC) (N.D. Cal.) are appropriated solely for projects which are eligible mitigation actions consistent with the terms of the trust agreement. Such projects shall be selected by the Department of Environmental Protection, as the lead agency previously designated by the Governor and shall be selected from among the categories of eligible mitigation actions described in the Environmental Mitigation Trust Agreement. Any funds received from the Trustee for projects to be administered by State departments shall be deposited in a separate non-lapsing fund to be known as the "Volkswagen Environmental Mitigation Fund," and are appropriated solely for projects which are eligible mitigation actions consistent with the terms of the trust agreement and may include administrative costs in such amounts that are consistent with the terms of the trust agreement, subject to the approval of the Director of the Division of Budget and Accounting. Any projects administered by State departments which will award grants through new or existing grant programs will award such grants on a competitive basis, using criteria determined by the Department of Environmental Protection.

94. Notwithstanding the provisions of any law or regulation to the contrary, amounts deposited into the "Energy Tax Receipts Property Tax Relief Fund" pursuant to P.L.1997, c.167 (C.52:27D-438 et al.) are appropriated to the General Fund as State revenue.

95. The unexpended balances at the end of the preceding fiscal year in the Expanded Addiction Initiatives line item in the Division of Mental Health and Addiction Services in the Department of Human Services and the various accounts in the Departments of Children and Families, Corrections, Community Affairs, Education, Health, Human Services, Labor and Workforce Development, and Law and Public Safety reallocated from the Expanded Addiction Initiatives line item in the Division of Mental Health and Addiction Services in the Department of Human Services for anti-opioid initiatives, including, but not limited to, Integrated Population Health Data Project, Health Information Technology, Alternatives to Opioid Program, Syringe Access Programs, Single License for Primary Care, and other similar accounts, are appropriated for the same purpose and may be transferred among the same accounts, subject to the approval of the Director of the Division of Budget and Accounting.

96. Notwithstanding the provisions of P.L.2006, c.43, or any other law or regulation to the contrary, the amount hereinabove appropriated for the Health Care Subsidy Fund is subject to the following condition: the assessment on net written premiums received from each health maintenance organization shall be made available to fund any qualified expenditure that can be paid from the Health Care Subsidy Fund.

97. Notwithstanding the provisions of any law or regulation to the contrary, and in addition to the amounts hereinabove appropriated for the Department of Banking and Insurance and the Department of the Treasury, the amount necessary to pay for the operational costs incurred by various departments to meet the statutory requirements

of P.L.2019, c.141 (C.17B:27A-57 et seq.) is appropriated from the Health Insurance Exchange Trust Fund, subject to the approval of the Director of the Division of Budget and Accounting.

98. Notwithstanding the provisions of section 8 of P.L.1992, c.160 (C.26:2H-18.58) or any other law or regulation to the contrary, \$20,655,000 is appropriated from the Health Care Subsidy Fund to the Department of Health to fund the Quality Improvement Program – New Jersey.

99. In addition to the amounts hereinabove appropriated for programs and services to address the COVID-19 pandemic, there are appropriated to the various departments and agencies, subject to the approval of the Director of the Division of Budget and Accounting in consultation with the State Treasurer, such amounts as are determined to be necessary to support COVID-19 pandemic-related costs that are not eligible for federal reimbursement.

100. Notwithstanding the provisions of any law or regulation to the contrary, subject to the approval of the Director of the Division of Budget and Accounting, the costs of State department purchases of products in compliance with P.L.2020, c.117 (C.13:1E-99.126 et seq.), which prohibited the provision or sale of certain single-use carryout bags, plastic straws, and polystyrene foam food service products, are appropriated from the Clean Energy Fund.

101. In addition to the amounts hereinabove appropriated for the Cannabis Regulatory Commission, there are appropriated such additional amounts to pay for costs associated with implementing the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act,” P.L.2021, c.16 (C.24:6I-31 et al.), and the legalization of medical and personal use cannabis as determined by the Cannabis Regulatory Commission, subject to the approval of the Director of the Division of Budget and Accounting.

102. Notwithstanding any law or regulation to the contrary, the Division of Medical Assistance and Health Services (DMAHS) in the Department of Human Services shall require all Medicaid Managed Care Organizations (MCOs) to annually report the percentage of total medical expenditures paid for primary care services, beginning with 2020. DMAHS shall require the MCOs to use and report on the two uniform definitions of primary care services which are delineated as “broad” and “narrow” as established by the Patient Centered Primary Care Collaborative and Milbank Memorial Fund. The data on these two measures shall be published annually, by MCO, on the NJ FamilyCare website. In addition, the New Jersey Division of Pensions and Benefits (DPB) shall annually report the data on the same two measures of primary care spending for each of the state funded plans that it administers and publish the information on its website annually. Nothing herein shall require DMAHS, DPB, or MCOs to report and publicly disclose any specific rates of reimbursement for any specific primary care services. In collaboration with DMAHS and the Department of Banking and Insurance, the Office of the Treasurer, the DPB shall conduct a market scan of State-funded team-based primary care models (including but not limited to the Com-

prehensive Primary Care initiatives and Patient Centered Medical Home models) currently in use in markets in the State that are funded in any part with State revenue. The market scan shall include a detailed description of all the quality, efficiency, and performance measures used in the models and shall be made publicly available on the DPB website. The market scan shall be used by the State to develop an aligned high-quality team-based primary care model or models (that emphasize capitation and performance payments over a fee for service reimbursement model) that shall be included in all State-funded health benefits and health insurance programs.

103. Any funds that may be received by the State of New Jersey in relation to a legal settlement entered into with, or litigation undertaken against, opioid manufacturers or distributors related to claims arising from the manufacture, marketing, distribution, or dispensing of opioids, shall be deposited in the "Opioid Recovery and Remediation Fund" established pursuant to P.L. c. (C.) (pending before the Legislature as Senate Bill No. 3867 and Assembly Bill No. 5868). No funds appropriated by this act shall be drawn from the fund, except as expressly indicated.

104. In addition to the amounts hereinabove appropriated, there are appropriated such additional amounts, subject to the approval of the Director of the Division of Budget and Accounting, as are determined to be required to satisfy federal maintenance-of-effort and maintenance-of-equity requirements pursuant to the American Rescue Plan Act of 2021.

105. This act shall take effect July 1, 2021.

