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OF THE
STATE OF NEW JERSEY



2011

New Jersey State Library

CHAPTER 86

AN ACT concerning general development plans and site plan approvals, supplementing and amending P.L.1975, c.291.

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

1. Section 5 of P.L.1987, c.129 (C.40:55D-45.3) is amended to read as follows:

C.40:55D-45.3 Submission of general development plan.

5. a. (1) Any developer of a parcel of land greater than 100 acres in size for which the developer is seeking approval of a planned development pursuant to P.L.1975, c.291 (C.40:55D-1 et seq.) may submit a general development plan to the planning board prior to the granting of preliminary approval of that development by the planning board pursuant to section 34 of P.L.1975, c.291 (C.40:55D-46) or section 36 of P.L.1975, c.291 (C.40:55D-48).

(2) Any developer of a parcel of land 100 acres or less in size for which parcel the developer is seeking approval of a planned development pursuant to P.L.1975, c.291 (C.40:55D-1 et seq.), consisting of not less than 150,000 square feet of nonresidential floor area or not less than 100 residential dwelling units, or consisting of a combination of square feet of nonresidential floor area and residential dwelling units, which when proportionately aggregated at a rate of 1,500 square feet of nonresidential floor area to one residential dwelling unit, are equivalent to at least 150,000 square feet of nonresidential floor area or 100 residential dwelling units, may submit a general development plan to the planning board prior to the granting of preliminary approval of that development by the planning board pursuant to section 34 of P.L.1975, c.291 (C.40:55D-46) or section 36 of P.L.1975, c.291 (C.40:55D-48).

b. The planning board shall grant or deny general development plan approval within 95 days after submission of a complete application to the administrative officer, or within such further time as may be consented to by the applicant. Failure of the planning board to act within the period prescribed shall constitute general development plan approval of the planned development.

2. Section 37 of P.L.1975, c.291 (C.40:55D-49) is amended to read as follows:

C.40:55D-49 Preliminary approval, extension.

37. Preliminary approval of a major subdivision pursuant to section 36 of P.L.1975, c.291 (C.40:55D-48) or of a site plan pursuant to section 34 of P.L.1975, c.291 (C.40:55D-46) shall, except as provided in subsections d. and g. of this section, confer upon the applicant the following rights for a three-year period from the date on which the resolution of preliminary approval is adopted:

a. That the general terms and conditions on which preliminary approval was granted shall not be changed, including but not limited to use requirements; layout and design standards for streets, curbs and sidewalks; lot size; yard dimensions and off-tract improvements; and, in the case of a site plan, any requirements peculiar to site plan approval pursuant to section 29.3 of P.L.1975, c.291 (C.40:55D-41); except that nothing herein shall be construed to prevent the municipality from modifying by ordinance such general terms and conditions of preliminary approval as relate to public health and safety;

b. That the applicant may submit for final approval on or before the expiration date of preliminary approval the whole or a section or sections of the preliminary subdivision plat or site plan, as the case may be; and

c. That the applicant may apply for and the planning board may grant extensions on such preliminary approval for additional periods of at least one year but not to exceed a total extension of two years, provided that if the design standards have been revised by ordinance, such revised standards may govern.

d. In the case of a subdivision of or site plan for an area of 50 acres or more, the planning board may grant the rights referred to in subsections a., b., and c. of this section for such period of time, longer than three years, as shall be determined by the planning board to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under preliminary approval, (2) economic conditions, and (3) the comprehensiveness of the development. The applicant may apply for thereafter and the planning board may thereafter grant an extension to preliminary approval for such additional period of time as shall be determined by the planning board to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under preliminary approval, and (2) the potential number of dwelling units and nonresidential floor area of the section or sections awaiting final approval, (3) economic conditions and (4) the comprehensiveness of the development; provided that if the design standards have been revised, such revised standards may govern.

e. Whenever the planning board grants an extension of preliminary approval pursuant to subsection c., d., or g. of this section and preliminary approval has expired before the date on which the extension is granted, the extension shall begin on what would otherwise be the expiration date. The developer may apply for the extension either before or after what would otherwise be the expiration date.

f. The planning board shall grant an extension of preliminary approval for a period determined by the board but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued the required approvals. A developer shall apply for the extension before (1) what would otherwise be the expiration date of preliminary approval or (2) the 91st day after the developer receives the last legally required approval from other governmental entities, whichever occurs later. An extension granted pursuant to this subsection shall not preclude the planning board from granting an extension pursuant to subsection c. or d. of this section.

g. In the case of a site plan for a development consisting of not less than 150,000 square feet of nonresidential floor area or not less than 100 residential dwelling units, or consisting of a combination of square feet of nonresidential floor area and residential dwelling units, which when proportionately aggregated at a rate of 1,500 square feet of nonresidential floor area to one residential dwelling unit, are equivalent to at least 150,000 square feet of nonresidential floor area or 100 residential dwelling units, the planning board may grant the rights referred to in subsections a., b., and c. of this section for such period of time beyond three years, as shall be determined by the planning board to be reasonable taking into consideration (1) the number of dwelling units and non-residential floor area permissible under preliminary approval, (2) economic conditions, and (3) the comprehensiveness of the development. The applicant may apply for thereafter, and the planning board may thereafter grant, an extension to the preliminary approval for such additional period of time as shall be determined by the planning board to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under preliminary approval, (2) the potential number of dwelling units and nonresidential floor area of the section or sections awaiting final approval, (3) economic conditions, and (4) the comprehensiveness of the development; pro-

vided that if the design standards have been revised, such revised standards may govern.

3. Section 40 of P.L.1975, c.291 (C.40:55D-52) is amended to read as follows:

C.40:55D-52 Final approval of site plan or major subdivision; extension.

40. a. The zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer pursuant to section 37 of P.L.1975, c.291 (C.40:55D-49), whether conditionally or otherwise, shall not be changed for a period of two years after the date on which the resolution of final approval is adopted; provided that in the case of a major subdivision the rights conferred by this section shall expire if the plat has not been duly recorded within the time period provided in section 42 of P.L.1975, c.291 (C.40:55D-54). If the developer has followed the standards prescribed for final approval, and, in the case of a subdivision, has duly recorded the plat as required in section 42 of P.L.1975, c.291 (C.40:55D-54), the planning board may extend such period of protection for extensions of one year but not to exceed three extensions. Notwithstanding any other provisions of this act, the granting of final approval terminates the time period of preliminary approval pursuant to section 37 of P.L.1975, c.291 (C.40:55D-49) for the section granted final approval.

b. In the case of a subdivision or site plan for a planned development of 50 acres or more, conventional subdivision or site plan for 150 acres or more, or site plan for development of a nonresidential floor area of 200,000 square feet or more, the planning board may grant the rights referred to in subsection a. of this section for such period of time, longer than two years, as shall be determined by the planning board to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under final approval, (2) economic conditions and (3) the comprehensiveness of the development. The developer may apply for thereafter, and the planning board may thereafter grant, an extension of final approval for such additional period of time as shall be determined by the planning board to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under final approval, (2) the number of dwelling units and nonresidential floor area remaining to be developed, (3) economic conditions and (4) the comprehensiveness of the development.

c. Whenever the planning board grants an extension of final approval pursuant to subsection a., b., or e. of this section and final approval has ex-

pired before the date on which the extension is granted, the extension shall begin on what would otherwise be the expiration date. The developer may apply for the extension either before or after what would otherwise be the expiration date.

d. The planning board shall grant an extension of final approval for a period determined by the board but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued these approvals. A developer shall apply for the extension before (1) what would otherwise be the expiration date of final approval or (2) the 91st day after the developer receives the last legally required approval from other governmental entities, whichever occurs later. An extension granted pursuant to this subsection shall not preclude the planning board from granting an extension pursuant to subsection a., b., or e. of this section.

e. In the case of a site plan for a development consisting of not less than 150,000 square feet of nonresidential floor area or not less than 100 residential dwelling units, or consisting of a combination of square feet of nonresidential floor area and residential dwelling units, which when proportionately aggregated at a rate of 1,500 square feet of nonresidential floor area to one residential dwelling unit, are equivalent to at least 150,000 square feet of nonresidential floor area or 100 residential dwelling units, the planning board may grant the rights referred to in subsection a. of this section for such period of time beyond two years, as shall be determined by the planning board to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under final approval, (2) economic conditions, and (3) the comprehensiveness of the development. The developer may apply for thereafter, and the planning board may thereafter grant, an extension of final approval for such additional period of time as shall be determined by the planning board to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under final approval, (2) the number of dwelling units and nonresidential floor area remaining to be developed, (3) economic conditions, and (4) the comprehensiveness of the development.

4. This act shall take effect immediately.

Approved July 1, 2011.

CHAPTER 87

AN ACT concerning claims for unemployment insurance benefits and amending R.S.43:21-6.

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

1. R.S.43:21-6 is amended to read as follows:

Claims for benefits.

43:21-6. (a) Filing. (1) Claims for benefits shall be made in accordance with such regulations as the Director of the Division of Unemployment and Temporary Disability Insurance of the Department of Labor and Workforce Development of the State of New Jersey may approve. Each employer shall post and maintain on his premises printed notices of his subject status, of such design, in such numbers and at such places as the director of the division may determine to be necessary to give notice thereof to persons in the employer's service. Each employer shall give to each individual at the time he becomes unemployed, for any reason, whether the unemployment is permanent or temporary, a printed copy of benefit instructions. The benefit instructions given to the individual shall include, but not be limited to, the following information: (A) the date upon which the individual becomes unemployed, and, in the case that the unemployment is temporary, to the extent possible, the date upon which the individual is expected to be recalled to work; and (B) that the individual may lose some or all of the benefits to which he is entitled if he fails to file a claim in a timely manner. Both the aforesaid notices and instructions, including information detailing the time sensitivity of filing a claim, shall be supplied by the division to employers without cost to them. Nothing in this section shall be construed so as to require an employer to re-hire an individual formerly in the employer's service.

(2) Any claimant, except for a claimant who has, for any period during his base year, served in the military, worked for the federal government, or worked outside the State of New Jersey, may choose to certify, cancel or close his claim for unemployment insurance benefits at any time, 24 hours a day and seven days a week, via the Internet on a website developed by the division; however, any claim that is certified, cancelled or closed after 7:00 PM will not be processed by the division until the next scheduled posting date.

(b) (1) Procedure for making initial determinations with respect to benefit years commencing on or after January 1, 1953.

A representative or representatives designated by the director of the division and hereafter referred to as a "deputy" shall promptly examine the claim, and shall notify the most recent employing unit and, successively as necessary, each employer in inverse chronological order during the base year. Such notification shall require said employing unit and employer to furnish such information to the deputy as may be necessary to determine the claimant's eligibility and his benefit rights with respect to the employer in question.

In his discretion, the director may appoint special deputies to make initial or subsequent determinations under subsection (f) of R.S.43:21-4 and subsection (d) of R.S.43:21-5.

If any employer or employing unit fails to respond to the request for information within 10 days after the mailing, or communicating by electronic means, of such request, the deputy shall rely entirely on information from other sources, including an affidavit to the best of the knowledge and belief of the claimant with respect to his wages and time worked. Except in the event of fraud, if it is determined that any information in such affidavit is erroneous, no penalty shall be imposed on the claimant.

The deputy shall promptly make an initial determination based upon the available information. The initial determination shall show the weekly benefit amount payable, the maximum duration of benefits with respect to the employer to whom the determination relates, and the ratio of benefits chargeable to the employer's account for benefit years commencing on or after July 1, 1986, and also shall show whether the claimant is ineligible or disqualified for benefits under the initial determination. The claimant and the employer whose account may be charged for benefits payable pursuant to said determination shall be promptly notified thereof.

Whenever an initial determination is based upon information other than that supplied by an employer because such employer failed to respond to the deputy's request for information, such initial determination and any subsequent determination thereunder shall be incontestable by the noncomplying employer, as to any charges to his employer's account because of benefits paid prior to the close of the calendar week following the receipt of his reply. Such initial determination shall be altered if necessary upon receipt of information from the employer, and any benefits paid or payable with respect to weeks occurring subsequent to the close of the calendar week following the receipt of the employer's reply shall be paid in accordance with such altered initial determination.

The deputy shall issue a separate initial benefit determination with respect to each of the claimant's base year employers, starting with the most recent employer and continuing as necessary in the inverse chronological order of the claimant's last date of employment with each such employer. If an appeal is taken from an initial determination, as hereinafter provided, by any employer other than the first chargeable base year employer or for benefit years commencing on or after July 1, 1986, that employer from whom the individual was most recently separated, then such appeal shall be limited in scope to include only one or more of the following matters:

(A) The correctness of the benefit payments authorized to be made under the determination;

(B) Fraud in connection with the claim pursuant to which the initial determination is issued;

(C) The refusal of suitable work offered by the chargeable employer filing the appeal;

(D) Gross misconduct as provided in subsection (b) of R.S.43:21-5.

The amount of benefits payable under an initial determination may be reduced or canceled if necessary to avoid payment of benefits for a number of weeks in excess of the maximum specified in subsection (d) of R.S.43:21-3.

Unless the claimant or any interested party, within seven calendar days after delivery of notification of an initial determination or within 10 calendar days after such notification was mailed to his or their last-known address and addresses, files an appeal from such decision, such decision shall be final and benefits shall be paid or denied in accordance therewith, except for such determinations as may be altered in benefit amounts or duration as provided in this paragraph. Benefits payable for periods pending an appeal and not in dispute shall be paid as such benefits accrue; provided that insofar as any such appeal is or may be an appeal from a determination to the effect that the claimant is disqualified under the provisions of R.S.43:21-5 or any amendments thereof or supplements thereto, benefits pending determination of the appeal shall be withheld only for the period of disqualification as provided for in said section, and notwithstanding such appeal, the benefits otherwise provided by this act shall be paid for the period subsequent to such period of disqualification; and provided, also, that if there are two determinations of entitlement, benefits for the period covered by such determinations shall be paid regardless of any appeal which may thereafter be taken, but no employer's account shall be charged with benefits so paid, if the decision is finally reversed.

(2) Procedure for making initial determinations in certain cases of concurrent employment, with respect to benefit years commencing on or after January 1, 1953 and prior to benefit years commencing on or after July 1, 1986.

Notwithstanding any other provisions of this Title, if an individual shows to the satisfaction of the deputy that there were at least 13 weeks in his base period in each of which he earned wages from two or more employers totaling \$30.00 or more but in each of which there was no single employer from whom he earned as much as \$100.00, then such individual's claim shall be determined in accordance with the special provisions of this paragraph. In such case, the deputy shall determine the individual's eligibility for benefits, his average weekly wage, weekly benefit rate and maximum total benefits as if all his base year employers were a single employer. Such determination shall apportion the liability for benefit charges thereunder to the individual's several base year employers so that each employer's maximum liability for charges thereunder bears approximately the same relation to the maximum total benefits allowed as the wages earned by the individual from each employer during the base year bears to his total wages earned from all employers during the base year. Such initial determination shall also specify the individual's last date of employment within the base year with respect to each base year employer, and such employers shall be charged for benefits paid under said initial determination in the inverse chronological order of such last date of employment.

(3) Procedure for making subsequent determinations with respect to benefit years commencing on or after January 1, 1953. The deputy shall make determinations with respect to claims for benefits thereafter in the course of the benefit year, in accordance with any initial determination allowing benefits, and under which benefits have not been exhausted, and each notification of a benefit payment shall be a notification of an affirmative subsequent determination. The allowance of benefits by the deputy on any such determination, or the denial of benefits by the deputy on any such determination, shall be appealable in the same manner and under the same limitations as is provided in the case of initial determinations.

(c) Appeals. Unless such appeal is withdrawn, an appeal tribunal, after affording the parties reasonable opportunity for fair hearing, shall affirm or modify the findings of fact and the determination. The parties shall be duly notified of such tribunal's decision, together with its reasons therefor, which shall be deemed to be the final decision of the board of review, unless further appeal is initiated pursuant to subsection (e) of this section within 10 days after the date of notification or mailing of the decision for any deci-

sion made on or before December 1, 2010, or within 20 days after the date of notification or mailing of such decision for any decision made after December 1, 2010.

(d) Appeal tribunals. To hear and decide disputed benefit claims, including appeals from determinations with respect to demands for refunds of benefits under subsection (d) of R.S.43:21-16, the director with the approval of the Commissioner of Labor and Workforce Development shall establish impartial appeal tribunals consisting of a salaried body of examiners under the supervision of a Chief Appeals Examiner, all of whom shall be appointed pursuant to the provisions of Title 11A of the New Jersey Statutes, Civil Service and other applicable statutes.

(e) Board of review. The board of review may on its own motion affirm, modify, or set aside any decision of an appeal tribunal on the basis of the evidence previously submitted in such case, or direct the taking of additional evidence, or may permit any of the parties to such decision to initiate further appeals before it. The board of review shall permit such further appeal by any of the parties interested in a decision of an appeal tribunal which is not unanimous and from any determination which has been overruled or modified by any appeal tribunal. The board of review may remove to itself or transfer to another appeal tribunal the proceedings on any claim pending before an appeal tribunal. Any proceedings so removed to the board of review shall be heard by a quorum thereof in accordance with the requirements of subsection (c) of this section. The board of review shall promptly notify the interested parties of its findings and decision.

(f) Procedure. The manner in which disputed benefit claims, and appeals from determinations with respect to (1) claims for benefits and (2) demands for refunds of benefits under subsection (d) of R.S.43:21-16 shall be presented, the reports thereon required from the claimant and from employers, and the conduct of hearings and appeals shall be in accordance with rules prescribed by the board of review for determining the rights of the parties, whether or not such rules conform to common law or statutory rules of evidence and other technical rules of procedure. A full and complete record shall be kept of all proceedings in connection with a disputed claim. All testimony at any hearing upon a disputed claim shall be recorded, but need not be transcribed unless the disputed claim is further appealed.

(g) Witness fees. Witnesses subpoenaed pursuant to this section shall be allowed fees at a rate fixed by the director. Such fees and all expenses of proceedings involving disputed claims shall be deemed a part of the expense of administering this chapter (R.S.43:21-1 et seq.).

(h) Court review. Any decision of the board of review shall become final as to any party upon the mailing of a copy thereof to such party or to his attorney, or upon the mailing of a copy thereof to such party at his last-known address. The Division of Unemployment and Temporary Disability Insurance and any party to a proceeding before the board of review may secure judicial review of the final decision of the board of review. Any party not joining in the appeal shall be made a defendant; the board of review shall be deemed to be a party to any judicial action involving the review of, or appeal from, any of its decisions, and may be represented in any such judicial action by any qualified attorney, who may be a regular salaried employee of the board of review or has been designated by it for that purpose, or, at the board of review's request, by the Attorney General.

(i) Failure to give notice. The failure of any public officer or employee at any time heretofore or hereafter to give notice of determination or decision required in subsections (b), (c) and (e) of this section, as originally passed or amended, shall not relieve any employer's account of any charge by reason of any benefits paid, unless and until that employer can show to the satisfaction of the director of the division that the said benefits, in whole or in part, would not have been charged or chargeable to his account had such notice been given. Any determination hereunder by the director shall be subject to court review.

2. This act shall take effect immediately.

Approved July 1, 2011.

CHAPTER 88

AN ACT concerning contributions by employees into the State disability benefits fund and amending R.S.43:21-7 and P.L.1948, c.110.

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

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

Contributions.

43:21-7. Contributions. Employers other than governmental entities, whose benefit financing provisions are set forth in section 4 of P.L.1971,

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

(a) Payment.

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

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

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

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

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

prior to such acquisition shall be considered as having been paid by such successor employer.

(3) For calendar years beginning on and after January 1, 1976, the "wages" of any individual, as defined in the preceding paragraph (2) of this subsection (b), shall be established and promulgated by the Commissioner of Labor and Workforce Development on or before September 1 of the preceding year and shall be, 28 times the Statewide average weekly remuneration paid to workers by employers, as determined under R.S.43:21-3(c), raised to the next higher multiple of \$100.00 if not already a multiple thereof, provided that if the amount of wages so determined for a calendar year is less than the amount similarly determined for the preceding year, the greater amount will be used; provided, further, that if the amount of such wages so determined does not equal or exceed the amount of wages as defined in subsection (b) of section 3306 of the Internal Revenue Code of 1986 (26 U.S.C. s.3306(b)), the wages as determined in this paragraph in any calendar year shall be raised to equal the amount established under the "Federal Unemployment Tax Act," chapter 23 of the Internal Revenue Code of 1986 (26 U.S.C. s.3301 et seq.), for that calendar year.

(c) Future rates based on benefit experience.

(1) A separate account for each employer shall be maintained and this shall be credited with all the contributions which he has paid on his own behalf on or before January 31 of any calendar year with respect to employment occurring in the preceding calendar year; provided, however, that if January 31 of any calendar year falls on a Saturday or Sunday, an employer's account shall be credited as of January 31 of such calendar year with all the contributions which he has paid on or before the next succeeding day which is not a Saturday or Sunday. But nothing in this chapter (R.S.43:21-1 et seq.) shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him into the fund either on his own behalf or on behalf of such individuals. Benefits paid with respect to benefit years commencing on and after January 1, 1953, to any individual on or before December 31 of any calendar year with respect to unemployment in such calendar year and in preceding calendar years shall be charged against the account or accounts of the employer or employers in whose employment such individual established base weeks constituting the basis of such benefits, except that, with respect to benefit years commencing after January 4, 1998, an employer's account shall not be charged for benefits paid to a claimant if the claimant's employment by that employer was ended in any way which, pursuant to subsection (a), (b), (c), (f), (g) or (h) of R.S.43:21-5, would have disqualified the claimant for

benefits if the claimant had applied for benefits at the time when that employment ended. Benefits paid under a given benefit determination shall be charged against the account of the employer to whom such determination relates. When each benefit payment is made, notification shall be promptly provided to each employer included in the unemployment insurance monetary calculation of benefits. Such notification shall identify the employer against whose account the amount of such payment is being charged, shall show at least the name and social security account number of the claimant and shall specify the period of unemployment to which said benefit payment applies.

An annual summary statement of unemployment benefits charged to the employer's account shall be provided.

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

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

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

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

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

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

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

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

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

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

(8) $\frac{4}{10}$ of 1%, if such excess equals or exceeds 11% of his average annual payroll.

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

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

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

(3) $4\frac{6}{10}\%$, if such excess equals or exceeds 20% of his average annual payroll.

(C) Specially assigned rates.

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

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

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

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

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

(D) The contribution rates prescribed by subparagraphs (A) and (B) of this paragraph (4) shall be increased or decreased in accordance with the

provisions of paragraph (5) of this subsection (c) for experience rating periods through June 30, 1986.

(5) (A) Unemployment Trust Fund Reserve Ratio. If on March 31 of any calendar year the balance in the unemployment trust fund equals or exceeds 4% but is less than 7% of the total taxable wages reported to the controller as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer eligible for a contribution rate calculation based upon benefit experience, shall be increased by $\frac{3}{10}$ of 1% over the contribution rate otherwise established under the provisions of paragraph (3) or (4) of this subsection. If on March 31 of any calendar year the balance of the unemployment trust fund exceeds $2\frac{1}{2}\%$ but is less than 4% of the total taxable wages reported to the controller as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer eligible for a contribution rate calculation based upon benefit experience, shall be increased by $\frac{6}{10}$ of 1% over the contribution rate otherwise established under the provisions of paragraph (3) or (4) of this subsection.

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

(B) If on March 31 of any calendar year the balance in the unemployment trust fund equals or exceeds 10% but is less than $12\frac{1}{2}\%$ of the total taxable wages reported to the controller as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer eligible for a contribution rate cal-

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

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

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

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

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

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

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

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

(vi) With respect to experience rating years beginning on or after July 1, 2004, and before July 1, 2011, the new employer rate or the unemployment experience rate of an employer under this section shall be the rate which appears in the column headed by the Unemployment Trust Fund Reserve Ratio as of the applicable calculation date and on the line with the Employer Reserve Ratio, as defined in paragraph (4) of this subsection (R.S.43:21-7 (c)(4)), as set forth in the following table:

EXPERIENCE RATING TAX TABLE

Fund Reserve Ratio¹

Employer Reserve Ratio ²	1.40% and Over A	1.00% to 1.39% B	0.75% to 0.99% C	0.50% to 0.74% D	0.49% and Under E
Positive Reserve Ratio:					
17% and over	0.3	0.4	0.5	0.6	1.2
16.00% to 16.99%	0.4	0.5	0.6	0.6	1.2
15.00% to 15.99%	0.4	0.6	0.7	0.7	1.2
14.00% to 14.99%	0.5	0.6	0.7	0.8	1.2
13.00% to 13.99%	0.6	0.7	0.8	0.9	1.2
12.00% to 12.99%	0.6	0.8	0.9	1.0	1.2
11.00% to 11.99%	0.7	0.8	1.0	1.1	1.2
10.00% to 10.99%	0.9	1.1	1.3	1.5	1.6
9.00% to 9.99%	1.0	1.3	1.6	1.7	1.9
8.00% to 8.99%	1.3	1.6	1.9	2.1	2.3
7.00% to 7.99%	1.4	1.8	2.2	2.4	2.6
6.00% to 6.99%	1.7	2.1	2.5	2.8	3.0
5.00% to 5.99%	1.9	2.4	2.8	3.1	3.4
4.00% to 4.99%	2.0	2.6	3.1	3.4	3.7
3.00% to 3.99%	2.1	2.7	3.2	3.6	3.9
2.00% to 2.99%	2.2	2.8	3.3	3.7	4.0
1.00% to 1.99%	2.3	2.9	3.4	3.8	4.1
0.00% to 0.99%	2.4	3.0	3.6	4.0	4.3
Deficit Reserve Ratio:					
-0.00% to -2.99%	3.4	4.3	5.1	5.6	6.1
-3.00% to -5.99%	3.4	4.3	5.1	5.7	6.2
-6.00% to -8.99%	3.5	4.4	5.2	5.8	6.3
-9.00% to -11.99%	3.5	4.5	5.3	5.9	6.4
-12.00% to -14.99%	3.6	4.6	5.4	6.0	6.5
-15.00% to -19.99%	3.6	4.6	5.5	6.1	6.6
-20.00% to -24.99%	3.7	4.7	5.6	6.2	6.7
-25.00% to -29.99%	3.7	4.8	5.6	6.3	6.8
-30.00% to -34.99%	3.8	4.8	5.7	6.3	6.9
-35.00% and under	5.4	5.4	5.8	6.4	7.0
New Employer Rate	2.8	2.8	2.8	3.1	3.4

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

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

(vii) With respect to experience rating years beginning on or after July 1, 2011, the new employer rate or the unemployment experience rate of an employer under this section shall be the rate which appears in the column headed by the Unemployment Trust Fund Reserve Ratio as of the applicable calculation date and on the line with the Employer Reserve Ratio, as defined in paragraph (4) of this subsection (R.S.43:21-7 (c)(4)), as set forth in the following table:

EXPERIENCE RATING TAX TABLE

Fund Reserve Ratio¹

Employer Reserve Ratio ²	3.50% and Over A	3.00% to 3.49% B	2.5% to 2.99% C	2.0% to 2.49% D	1.99% and Under E
Positive Reserve Ratio:					
17% and over	0.3	0.4	0.5	0.6	1.2
16.00% to 16.99%	0.4	0.5	0.6	0.6	1.2
15.00% to 15.99%	0.4	0.6	0.7	0.7	1.2
14.00% to 14.99%	0.5	0.6	0.7	0.8	1.2
13.00% to 13.99%	0.6	0.7	0.8	0.9	1.2
12.00% to 12.99%	0.6	0.8	0.9	1.0	1.2
11.00% to 11.99%	0.7	0.8	1.0	1.1	1.2
10.00% to 10.99%	0.9	1.1	1.3	1.5	1.6
9.00% to 9.99%	1.0	1.3	1.6	1.7	1.9
8.00% to 8.99%	1.3	1.6	1.9	2.1	2.3
7.00% to 7.99%	1.4	1.8	2.2	2.4	2.6
6.00% to 6.99%	1.7	2.1	2.5	2.8	3.0
5.00% to 5.99%	1.9	2.4	2.8	3.1	3.4
4.00% to 4.99%	2.0	2.6	3.1	3.4	3.7
3.00% to 3.99%	2.1	2.7	3.2	3.6	3.9
2.00% to 2.99%	2.2	2.8	3.3	3.7	4.0
1.00% to 1.99%	2.3	2.9	3.4	3.8	4.1
0.00% to 0.99%	2.4	3.0	3.6	4.0	4.3
Deficit Reserve Ratio:					
-0.00% to -2.99%	3.4	4.3	5.1	5.6	6.1
-3.00% to -5.99%	3.4	4.3	5.1	5.7	6.2
-6.00% to -8.99%	3.5	4.4	5.2	5.8	6.3

-9.00% to-11.99%	3.5	4.5	5.3	5.9	6.4
-12.00% to-14.99%	3.6	4.6	5.4	6.0	6.5
-15.00% to-19.99%	3.6	4.6	5.5	6.1	6.6
-20.00% to-24.99%	3.7	4.7	5.6	6.2	6.7
-25.00% to-29.99%	3.7	4.8	5.6	6.3	6.8
-30.00% to-34.99%	3.8	4.8	5.7	6.3	6.9
-35.00% and under	5.4	5.4	5.8	6.4	7.0
New Employer Rate	2.8	2.8	2.8	3.1	3.4

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

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

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

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

(iii) With respect to experience rating years beginning on or after July 1, 2004 and before July 1, 2011, if the fund reserve ratio, based on the fund balance as of the prior March 31, is less than 0.50%, the contribution rate for each employer liable to pay contributions, as computed under subparagraph (E) of this paragraph (5), shall be increased by a factor of 10% computed to the nearest multiple of 1/10% if not already a multiple thereof.

(iv) With respect to experience rating years beginning on or after July 1, 2011, if the fund reserve ratio, based on the fund balance as of the prior March 31, is less than 1.0%, the contribution rate for each employer liable to pay contributions, as computed under subparagraph (E) of this paragraph (5), shall be increased by a factor of 10% computed to the nearest multiple of 1/10% if not already a multiple thereof.

(G) On or after January 1, 1993, notwithstanding any other provisions of this paragraph (5), the contribution rate for each employer liable to pay contributions, as computed under subparagraph (E) of this paragraph (5), shall be decreased by 0.1%, except that, during any experience rating year starting before January 1, 1998 in which the fund reserve ratio is equal to or greater than 7.00% or during any experience rating year starting on or after January 1, 1998, in which the fund reserve ratio is equal to or greater than 3.5%, there shall be no decrease pursuant to this subparagraph (G) in the contribution of any employer who has a deficit reserve ratio of negative 35.00% or under.

(H) On and after January 1, 1998 until December 31, 2000 and on or after January 1, 2002 until June 30, 2006, the contribution rate for each employer liable to pay contributions, as computed under subparagraph (E) of

this paragraph (5), shall be decreased by a factor, as set out below, computed to the nearest multiple of 1/10%, except that, if an employer has a deficit reserve ratio of negative 35.0% or under, the employer's rate of contribution shall not be reduced pursuant to this subparagraph (H) to less than 5.4%:

From January 1, 1998 until December 31, 1998, a factor of 12%;

From January 1, 1999 until December 31, 1999, a factor of 10%;

From January 1, 2000 until December 31, 2000, a factor of 7%;

From January 1, 2002 until March 31, 2002, a factor of 36%;

From April 1, 2002 until June 30, 2002, a factor of 85%;

From July 1, 2002 until June 30, 2003, a factor of 15%;

From July 1, 2003 until June 30, 2004, a factor of 15%;

From July 1, 2004 until June 30, 2005, a factor of 7%;

From July 1, 2005 until December 31, 2005, a factor of 16%; and

From January 1, 2006 until June 30, 2006, a factor of 34%.

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

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

(J) On or after July 1, 2001, notwithstanding any other provisions of this paragraph (5), the contribution rate for each employer liable to pay contributions, as computed under subparagraph (E) of this paragraph (5), shall be decreased by 0.0175%, except that, during any experience rating year starting on or after July 1, 2001, in which the fund reserve ratio is equal to or greater than 3.5%, there shall be no decrease pursuant to this subparagraph (J) in the contribution of any employer who has a deficit reserve ratio of negative 35.00% or under. The amount of the reduction in the employer contributions stipulated by this subparagraph (J) shall be in addition to the amount of the reduction in the employer contributions stipulated by subparagraphs (G) and (H) of this paragraph (5), except that the rate of contribution of an employer who has a deficit reserve ratio of negative 35.0% or under shall not be reduced pursuant to this subparagraph (J) to less than 5.4% and the rate of contribution of any other employer shall not be reduced to less than 0.0%.

(K) With respect to experience rating years beginning on or after July 1, 2009, if the fund reserve ratio, based on the fund balance as of the prior March 31, is:

(i) Equal to or greater than 5.00% but less than 7.5%, the contribution rate for each employer liable to pay contributions, as computed under subparagraph (E) of this paragraph (5), shall be reduced by a factor of 25% computed to the nearest multiple of 1/10% if not already a multiple thereof except that there shall be no decrease pursuant to this subparagraph (K) in the contribution of any employer who has a deficit reserve ratio of 35.00% or under;

(ii) Equal to or greater than 7.5%, the contribution rate for each employer liable to pay contributions, as computed under subparagraph (E) of this paragraph (5), shall be reduced by a factor of 50% computed to the nearest multiple of 1/10% if not already a multiple thereof except that there shall be no decrease pursuant to this subparagraph (K) in the contribution of any employer who has a deficit reserve ratio of 35.00% or under.

(L) Notwithstanding any other provision of this paragraph (5) and notwithstanding the actual fund reserve ratio, the contribution rate for employers liable to pay contributions, as computed under subparagraph (E) of this paragraph (5), shall be, for fiscal year 2011, the rates set by column "C" of the table in that subparagraph.

(M) Notwithstanding any other provision of this paragraph (5) and notwithstanding the actual fund reserve ratio, the contribution rate for employers liable to pay contributions, as computed under subparagraph (E) of this paragraph (5), shall be, for fiscal year 2012, the rates set by column "D" of the table in that subparagraph.

(N) Notwithstanding any other provision of this paragraph (5) and notwithstanding the actual fund reserve ratio, the contribution rate for employers liable to pay contributions, as computed under subparagraph (E) of this paragraph (5), shall be, for fiscal year 2013, the rates set by column "E" of the table in that subparagraph.

(6) Additional contributions.

Notwithstanding any other provision of law, any employer who has been assigned a contribution rate pursuant to subsection (c) of this section for the year commencing July 1, 1948, and for any year commencing July 1 thereafter, may voluntarily make payment of additional contributions, and upon such payment shall receive a recomputation of the experience rate applicable to such employer, including in the calculation the additional contribution so made, except that, following a transfer as described under R.S.43:21-7(c)(7)(D), neither the predecessor nor successor in interest shall be eligible to make a voluntary payment of additional contributions during the year the transfer occurs and the next full calendar year. Any such additional contribution shall be made during the 30-day period following the

notification to the employer of his contribution rate as prescribed in this section, unless, for good cause, the time for payment has been extended by the controller for not to exceed an additional 60 days; provided that in no event may such payments which are made later than 120 days after the beginning of the year for which such rates are effective be considered in determining the experience rate for the year in which the payment is made. Any employer receiving any extended period of time within which to make such additional payment and failing to make such payment timely shall be, in addition to the required amount of additional payment, liable for a penalty of 5% thereof or \$5.00, whichever is greater, not to exceed \$50.00. Any adjustment under this subsection shall be made only in the form of credits against accrued or future contributions.

(7) Transfers.

(A) Upon the transfer of the organization, trade or business, or substantially all the assets of an employer to a successor in interest, whether by merger, consolidation, sale, transfer, descent or otherwise, the controller shall transfer the employment experience of the predecessor employer to the successor in interest, including credit for past years, contributions paid, annual payrolls, benefit charges, et cetera, applicable to such predecessor employer, pursuant to regulation, if it is determined that the employment experience of the predecessor employer with respect to the organization, trade, assets or business which has been transferred may be considered indicative of the future employment experience of the successor in interest. The successor in interest may, within four months of the date of such transfer of the organization, trade, assets or business, or thereafter upon good cause shown, request a reconsideration of the transfer of employment experience of the predecessor employer. The request for reconsideration shall demonstrate, to the satisfaction of the controller, that the employment experience of the predecessor is not indicative of the future employment experience of the successor.

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

respect to the portion of the organization, trade, assets or business which has been transferred may be considered indicative of the future employment experience of the successor in interest. Credit shall be given to the successor in interest only for the years during which contributions were paid by the predecessor employer with respect to that part of the organization, trade, assets or business transferred.

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

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

(E) The transfer of part of an employer's employment experience to a successor in interest shall become effective as of the first day of the calendar quarter following the acquisition by the successor in interest. As of the effective date, the successor in interest shall have its employer rate recalculated by merging its existing employment experience, if any, with the employment experience acquired. If the successor in interest is not an employer as of the date of acquisition, it shall be assigned the new employer rate until the effective date of the transfer of employment experience.

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

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

(1) (A) For periods after January 1, 1975, each worker shall contribute to the fund 1% of his wages with respect to his employment with an em-

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

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

(C) (i) Notwithstanding the above provisions of this paragraph (1), during the period starting July 1, 1986 and ending December 31, 1992, each worker shall contribute to the fund 1.125% of wages paid with respect to his employment with a governmental employer electing or required to pay contributions or nongovernmental employer, including a nonprofit organization which is an employer as defined under R.S.43:21-19(h)(6), regardless of whether that nonprofit organization elects or is required to finance its benefit costs with contributions to the fund or by payments in lieu of contributions, after that employer has satisfied the conditions set forth in subsection R.S.43:21-19(h) with respect to becoming an employer. Contributions, however, shall be at the rate of 0.625% while the worker is covered by an approved private plan under the "Temporary Disability Benefits Law" or while the worker is exempt under section 7 of that law, P.L.1948, c.110 (C.43:21-31) or any other provision of that law; provided that such contributions shall be at the rate of 0.625% of wages paid with respect to employment with the State of New Jersey or any other governmental entity or instrumentality electing or required to make payments in lieu of contributions and which is covered by the State plan under the "Temporary Disability Benefits Law," except that, while the worker is exempt from the provisions of the "Temporary Disability Benefits Law" under section 7 of that law, P.L.1948, c.110 (C.43:21-31) or any other provision of that law, or is

covered for disability benefits by an approved private plan of the employer, the contributions to the fund shall be 0.125%.

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

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

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

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

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

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

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

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

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

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

(G)(i) Each worker shall, starting on July 1, 1994 and ending on December 31, 2011, contribute to the State disability benefits fund an amount equal to 0.50% of wages paid with respect to the worker's employment with a government employer electing or required to pay contributions to the State disability benefits fund or nongovernmental employer, including a nonprofit organization which is an employer as defined under paragraph (6) of subsection (h) of R.S.43:21-19, unless the employer is covered by an approved private disability plan or is exempt from the provisions of the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et al.) under section 7 of that law (C.43:21-31) or any other provision of that law. Each worker, with respect to the worker's employment with a government employer electing or required to pay contributions to the State disability benefits fund or nongovernmental employer, including a nonprofit organization which is an employer as defined under paragraph (6) of subsection (h) of R.S.43:21-19, unless the employer is covered by an approved private disability plan or is exempt from the provisions of the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et al.) under section 7 of that law (C.43:21-31) or any other provision of that law, shall, for calendar year 2012 and each subsequent calendar year, make contributions to the State disability benefits fund at the annual rate of contribution necessary to obtain a total amount of contributions, which, when added to employer contributions made to the State disability benefits fund pursuant to subsection (e) of this section, is equal to 120% of the benefits paid for periods of disability, excluding periods of family temporary disability, during the immediately preceding calendar year plus an amount equal to 100% of the cost of administration of the payment of those benefits during the immediately preceding calendar year, less the amount of net assets remaining in the State disability benefits fund, excluding net assets remaining in the "Family Temporary Disability Leave Account" of that fund, as of December 31 of the immediately preceding year. The rates of employer contributions determined pursuant to subsection (e) of this section for any year shall be determined prior to the determination of the rate of employee contributions pursuant to this subparagraph (i) and any consideration of employee contributions in determining employer rates for any year shall be based on amounts of employee contributions made prior to the year to which the rate of employee contributions applies and shall not be based on any projection or estimate of the amount of employee contributions for the year to which that rate applies.

(ii) Each worker shall contribute to the State disability benefits fund, in addition to any amount contributed pursuant to subparagraph (i) of this paragraph (1)(G), an amount equal to, during calendar year 2009, 0.09%, and during calendar year 2010 0.12%, of wages paid with respect to the worker's employment with any covered employer, including a governmental employer which is an employer as defined under R.S.43:21-19(h)(5), unless the employer is covered by an approved private disability plan for benefits during periods of family temporary disability leave. The contributions made pursuant to this subparagraph (ii) to the State disability benefits fund shall be deposited into an account of that fund reserved for the payment of benefits during periods of family temporary disability leave as defined in section 3 of the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-27) and for the administration of those payments and shall not be used for any other purpose. This account shall be known as the "Family Temporary Disability Leave Account." For calendar year 2011 and each subsequent calendar year, the annual rate of contribution to be paid by workers pursuant to this subparagraph (ii) shall be the rate necessary to obtain a total amount of contributions equal to 125% of the benefits paid for periods of family temporary disability leave during the immediately preceding calendar year plus an amount equal to 100% of the cost of administration of the payment of those benefits during the immediately preceding calendar year, less the amount of net assets remaining in the account as of December 31 of the immediately preceding year. Necessary administrative costs shall include the cost of an outreach program to inform employees of the availability of the benefits and the cost of issuing the reports required or permitted pursuant to section 13 of P.L.2008, c.17 (C.43:21-39.4). No monies, other than the funds in the "Family Temporary Disability Leave Account," shall be used for the payment of benefits during periods of family temporary disability leave or for the administration of those payments, with the sole exception that, during calendar years 2008 and 2009, a total amount not exceeding \$25 million may be transferred to that account from the revenues received in the State disability benefits fund pursuant to subparagraph (i) of this paragraph (1)(G) and be expended for those payments and their administration, including the administration of the collection of contributions made pursuant to this subparagraph (ii) and any other necessary administrative costs. Any amount transferred to the account pursuant to this subparagraph (ii) shall be repaid during a period beginning not later than January 1, 2011 and ending not later than December 31, 2015. No monies, other than the funds in the "Family Temporary Disability Leave Account," shall be used under any circumstances after December 31, 2009, for the payment of benefits during periods

of family temporary disability leave or for the administration of those payments, including for the administration of the collection of contributions made pursuant to this subparagraph (ii).

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

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

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

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

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

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

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

(3) (A) If an employee receives wages from more than one employer during any calendar year, and either the sum of his contributions deposited in and credited to the State disability benefits fund plus the amount of his contributions, if any, required towards the costs of benefits under one or more approved private plans under the provisions of section 9 of the "Temporary Disability Benefits Law" (C.43:21-33) and deducted from his wages, or the sum of such latter contributions, if the employee is covered during such calendar year only by two or more private plans, exceeds an amount equal to 1/2 of 1% of the "wages" determined in accordance with the provisions of R.S.43:21-7(b)(3) during the calendar years beginning on or after January 1, 1976 or, during calendar year 2012 or any subsequent calendar year, the total amount of his contributions for the year exceeds the amount set by the annual rate of contribution determined by the Commissioner of Labor and Workforce Development pursuant to subparagraph (i) of paragraph (1)(G) of this subsection (d), the employee shall be entitled to a refund of the excess if he makes a claim to the controller within two years after the end of the calendar year in which the wages are received with respect to which the refund is claimed and establishes his right to such refund. Such refund shall be made by the controller from the State disability benefits fund. No interest shall be allowed or paid with respect to any such refund. The controller shall, in accordance with prescribed regulations, determine the portion of the aggregate amount of such refunds made during any calendar year which is applicable to private plans for which deductions were made under section 9 of the "Temporary Disability Benefits Law" (C.43:21-33) such determination to be based upon the ratio of the amount of such wages exempt from contributions to such fund, as provided in subparagraph (B) of paragraph (1) of this subsection with respect to coverage under private plans, to the total wages so exempt plus the amount of such wages subject to contributions to the disability benefits fund, as provided in subparagraph (G) of paragraph (1) of this subsection. The controller shall, in accor-

dance with prescribed regulations, prorate the amount so determined among the applicable private plans in the proportion that the wages covered by each plan bear to the total private plan wages involved in such refunds, and shall assess against and recover from the employer, or the insurer if the insurer has indemnified the employer with respect thereto, the amount so prorated. The provisions of R.S.43:21-14 with respect to collection of employer contributions shall apply to such assessments. The amount so recovered by the controller shall be paid into the State disability benefits fund.

(B) If an employee receives wages from more than one employer during any calendar year, and the sum of his contributions deposited in the "Family Temporary Disability Leave Account" of the State disability benefits fund plus the amount of his contributions, if any, required towards the costs of family temporary disability leave benefits under one or more approved private plans under the provisions of the "Temporary Disability Benefits Law" (C.43:21-25 et al.) and deducted from his wages, exceeds an amount equal to, during calendar year 2009, 0.09% of the "wages" determined in accordance with the provisions of R.S.43:21-7(b)(3), or during calendar year 2010, 0.12% of those wages, or, during calendar year 2011 or any subsequent calendar year, the percentage of those wages set by the annual rate of contribution determined by the Commissioner of Labor and Workforce Development pursuant to subparagraph (ii) of paragraph (1)(G) of this subsection (d), the employee shall be entitled to a refund of the excess if he makes a claim to the controller within two years after the end of the calendar year in which the wages are received with respect to which the refund is claimed and establishes his right to the refund. The refund shall be made by the controller from the "Family Temporary Disability Leave Account" of the State disability benefits fund. No interest shall be allowed or paid with respect to any such refund. The controller shall, in accordance with prescribed regulations, determine the portion of the aggregate amount of the refunds made during any calendar year which is applicable to private plans for which deductions were made under section 9 of the "Temporary Disability Benefits Law" (C.43:21-33), with that determination based upon the ratio of the amount of such wages exempt from contributions to the fund, as provided in paragraph (1)(B) of this subsection (d) with respect to coverage under private plans, to the total wages so exempt plus the amount of such wages subject to contributions to the "Family Temporary Disability Leave Account" of the State disability benefits fund, as provided in subparagraph (ii) of paragraph (1)(G) of this subsection (d). The controller shall, in accordance with prescribed regulations, prorate the amount so determined among the applicable private plans in the proportion that the

wages covered by each plan bear to the total private plan wages involved in such refunds, and shall assess against and recover from the employer, or the insurer if the insurer has indemnified the employer with respect thereto, the prorated amount. The provisions of R.S.43:21-14 with respect to collection of employer contributions shall apply to such assessments. The amount so recovered by the controller shall be paid into the "Family Temporary Disability Leave Account" of the State disability benefits fund.

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

(5) Every employer who has elected to become an employer subject to this chapter (R.S.43:21-1 et seq.), or to cease to be an employer subject to this chapter (R.S.43:21-1 et seq.), pursuant to the provisions of R.S.43:21-8, shall post and maintain printed notices of such election on his premises, of such design, in such numbers, and at such places as the director may determine to be necessary to give notice thereof to persons in his service.

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

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

(1) Except as hereinafter provided, each employer shall, in addition to the contributions required by subsections (a), (b), and (c) of this section, contribute 1/2 of 1% of the wages paid by such employer to workers with respect to employment unless he is not a covered employer as defined in subsection (a) of section 3 of the "Temporary Disability Benefits Law" (C.43:21-27 (a)), except that the rate for the State of New Jersey shall be 1/10 of 1% for the calendar year 1980 and for the first six months of 1981. Prior to July 1, 1981 and prior to July 1 each year thereafter, the controller shall review the experience accumulated in the account of the State of New Jersey and establish a rate for the next following fiscal year which, in com-

bination with worker contributions, will produce sufficient revenue to keep the account in balance; except that the rate so established shall not be less than 1/10 of 1%. Such contributions shall become due and be paid by the employer to the controller for the State disability benefits fund as established by law, in accordance with such regulations as may be prescribed, and shall not be deducted, in whole or in part, from the remuneration of individuals in his employ. In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to \$0.005 or more, in which case it shall be increased to \$0.01.

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

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

(B) A separate disability benefits account shall be maintained for each employer required to contribute to the State disability benefits fund and such account shall be credited with contributions deposited in and credited to such fund with respect to employment occurring on and after January 1, 1949. Each employer's account shall be credited with all contributions paid on or before January 31 of any calendar year on his own behalf and on behalf of individuals in his service with respect to employment occurring in preceding calendar years; provided, however, that if January 31 of any calendar year falls on a Saturday or Sunday an employer's account shall be credited as of January 31 of such calendar year with all the contributions which he has paid on or before the next succeeding day which is not a Saturday or Sunday. But nothing in this act shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him to the fund either on his own behalf or on behalf of such individuals. Benefits paid to any covered individual in accordance with Article III of the "Temporary Disability Benefits Law" on or before December 31 of any calendar year with respect to disability in such calendar year and in preceding calendar years shall be charged against the account of the employer by whom such individual was employed at the commencement of such disability or by whom he was last employed, if out of employment.

(C) The controller may prescribe regulations for the establishment, maintenance, and dissolution of joint accounts by two or more employers, and shall, in accordance with such regulations and upon application by two or more employers to establish such an account, or to merge their several

individual accounts in a joint account, maintain such joint account as if it constituted a single employer's account.

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

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

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

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

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

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

(3) If the minimum requirements in subparagraph (D) (1) above have been fulfilled and the contributions credited exceed the benefits charged but by not more than \$500.00 plus 1% of his average annual payroll, or if the benefits charged exceed the contributions credited but by not more than \$500.00, the preliminary rate shall be $\frac{1}{4}$ of 1%.

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

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

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

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

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

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

(5) Determination of the preliminary rate as specified in subparagraphs (D)(2), (3) and (4) above shall be subject, however, to the condition that it

shall in no event be decreased by more than $\frac{1}{10}$ of 1% of wages or increased by more than $\frac{2}{10}$ of 1% of wages from the preliminary rate determined for the preceding year in accordance with subparagraph (D) (1), (2), (3) or (4), whichever shall have been applicable.

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

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

(i) If the percentage determined in accordance with subparagraph (E)(1) of this paragraph equals or exceeds $1\frac{1}{4}\%$, the final employer rates shall be the preliminary rates determined as provided in subparagraph (D) hereof, except that if the employer's preliminary rate is determined as provided in subparagraph (D)(2) or subparagraph (D)(3) hereof, the final employer rate shall be the preliminary employer rate decreased by such percentage of excess taken to the nearest $\frac{5}{100}$ of 1%, but in no case shall such final rate be less than $\frac{1}{10}$ of 1%.

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

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

than $\frac{3}{4}$ of 1% in the case of an employer whose preliminary rate is determined as provided in subparagraph (D)(4) hereof.

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

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

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

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

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

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

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

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

(b) Unless sooner permitted, for cause, by the division, no approved private plan shall be terminated by an employer, in whole or in part, until at least 30 days after written notice of intention so to do has been given by the employer to the division and after notices are conspicuously posted so as reasonably to assure their being seen, or after individual notices are given to the employees concerned.

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

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

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

on or after January 1, 2009 and before January 1, 2012: an employer providing a private plan only for benefits for employees during their own disabilities may require the employees to contribute to the plan at a rate not exceeding 0.5% of the amount of "wages" established for the calendar year under the provisions of R.S.43:21-7(b); an employer providing a private plan only for benefits for employees during periods of family temporary disability may require the individuals covered by the private plan to contribute an amount not exceeding the amount the individuals would pay pursuant to R.S.43:21-7(d)(1)(G)(ii); an employer providing a private plan both for benefits for employees during their own disabilities and for benefits during periods of family temporary disability may require the employees to contribute to the plan at a rate not exceeding 0.5% of the amount of "wages" established for the calendar year under the provisions of R.S.43:21-7(b) plus an additional amount not exceeding the amount the individuals would pay pursuant to R.S.43:21-7(d)(1)(G)(ii). For a calendar year beginning on or after January 1, 2012: an employer providing a private plan only for benefits for employees during their own disabilities may require the employees to contribute to the plan at a rate not exceeding the amount the individuals would pay pursuant to R.S.43:21-7(d)(1)(G)(i); an employer providing a private plan only for benefits for employees during periods of family temporary disability may require the individuals covered by the private plan to contribute an amount not exceeding the amount the individuals would pay pursuant to R.S.43:21-7(d)(1)(G)(ii); an employer providing a private plan both for benefits for employees during their own disabilities and for benefits during periods of family temporary disability may require the employees to contribute to the plan an amount not exceeding the amount the individuals would pay pursuant to R.S.43:21-7(d)(1)(G)(i) and R.S.43:21-7(d)(1)(G)(ii). Notification of the proposed modification shall be given by the employer to the division and to the individuals covered under the plan.

3. This act shall take effect immediately.

Approved July 1, 2011.

CHAPTER 89

AN ACT concerning economic development and redevelopment under the urban transit hub tax credit and the economic redevelopment and growth grant programs, amending P.L.2007, c.346, P.L.2008, c.46, and P.L.2009, c.90.

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

1. Section 2 of P.L.2007, c.346 (C.34:1B-208) is amended to read as follows:

C.34:1B-208 Definitions relative to the "Urban Transit Hub Tax Credit Act."

2. As used in this act:

"Affiliate" means an entity that directly or indirectly controls, is under common control with, or is controlled by the business. Control exists in all cases in which the entity is a member of a controlled group of corporations as defined pursuant to section 1563 of the Internal Revenue Code of 1986 (26 U.S.C.s.1563) or the entity is an organization in a group of organizations under common control as defined pursuant to subsection (b) or (c) of section 414 of the Internal Revenue Code of 1986 (26 U.S.C.s.414). A taxpayer may establish by clear and convincing evidence, as determined by the Director of the Division of Taxation in the Department of the Treasury, that control exists in situations involving lesser percentages of ownership than required by those statutes. An affiliate of a business may contribute to meeting either the qualified investment or full-time employee requirements of a business that applies for a credit under section 3 of P.L.2007, c.346 (C.34:1B-209).

"Authority" means the New Jersey Economic Development Authority established by section 4 of P.L.1974, c.80 (C.34:1B-4).

"Business" means a corporation that is subject to the tax imposed pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5), a corporation that is subject to the tax imposed pursuant to sections 2 and 3 of P.L.1945, c.132 (C.54:18A-2 and 54:18A-3), section 1 of P.L.1950, c.231 (C.17:32-15) or N.J.S.17B:23-5, or is a partnership, an S corporation, or a limited liability corporation. A business shall include an affiliate of the business if that business applies for a credit based upon any capital investment made by or full-time employees of an affiliate.

"Capital investment" in a qualified business facility means expenses incurred after, but before the end of the eighth year after, the effective date of P.L.2007, c.346 (C.34:1B-207 et seq.) for: a. the site preparation and construction, repair, renovation, improvement, equipping, or furnishing of a building, structure, facility or improvement to real property; and b. obtaining and installing furnishings and machinery, apparatus or equipment for the operation of a business in a building, structure, facility or improvement to real property.

"Eligible municipality" means a municipality: (1) which qualifies for State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.) or which was

continued to be a qualified municipality thereunder pursuant to P.L.2007, c.111; and (2) in which 30 percent or more of the value of real property was exempt from local property taxation during tax year 2006. The percentage of exempt property shall be calculated by dividing the total exempt value by the sum of the net valuation which is taxable and that which is tax exempt.

"Full-time employee" means a person employed by the business for consideration for at least 35 hours a week, or who renders any other standard of service generally accepted by custom or practice as full-time employment, or a person who is employed by a professional employer organization pursuant to an employee leasing agreement between the business and the professional employer organization, in accordance with P.L.2001, c.260 (C.34:8-67 et seq.) for at least 35 hours a week, or who renders any other standard of service generally accepted by custom or practice as full-time employment, and whose wages are subject to withholding as provided in the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq. or an employee who is a resident of another State but whose income is not subject to the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq. or who is a partner of a business who works for the partnership for at least 35 hours a week, or who renders any other standard of service generally accepted by custom or practice as full-time employment, and whose distributive share of income, gain, loss, or deduction, or whose guaranteed payments, or any combination thereof, is subject to the payment of estimated taxes, as provided in the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq. "Full-time employee" shall not include any person who works as an independent contractor or on a consulting basis for the business.

"Mixed use project" means a project comprising both a qualified business facility and a qualified residential project.

"Partnership" means an entity classified as a partnership for federal income tax purposes.

"Professional employer organization" means an employee leasing company registered with the Department of Labor and Workforce Development pursuant to P.L.2001, c.260 (C.34:8-67 et seq.).

"Qualified business facility" means any building, complex of buildings or structural components of buildings, and all machinery and equipment located within a designated urban transit hub in an eligible municipality, used in connection with the operation of a business.

"Qualified residential project" shall have the meaning ascribed to that term under section 34 of P.L.2009, c.90 (C.34:1B-209.2).

"Residential unit" means a residential dwelling unit such as a rental apartment, a condominium or cooperative unit, a hotel room, or a dormitory room.

"Urban transit hub" means:

a. property located within a 1/2 mile radius surrounding the mid point of a New Jersey Transit Corporation, Port Authority Transit Corporation or Port Authority Trans-Hudson Corporation rail station platform area, including all light rail stations, and property located within a one mile radius of the mid point of the platform area of such a rail station if the property is in a qualified municipality under the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et seq.);

b. property located within a 1/2 mile radius surrounding the mid point of one of up to two underground light rail stations' platform areas that are most proximate to an interstate rail station;

c. property adjacent to, or connected by rail spur to, a freight rail line if the business utilizes that freight line at any rail spur located adjacent to or within a one mile radius surrounding the entrance to the property for loading and unloading freight cars on trains;

which property shall have been specifically delineated by the authority pursuant to subsection e. of section 3 of P.L.2007, c.346 (C.34:1B-209).

A property which is partially included within the radius shall only be considered part of the urban transit hub if over 50 percent of its land area falls within the radius.

"Rail station" shall not include any rail station located at an international airport.

2. Section 3 of P.L.2007, c.346 (C.34:1B-209) is amended to read as follows:

C.34:1B-209 Credit for qualified business facilities, conditions for eligibility; allowance.

3. a. (1) A business, upon application to and approval from the authority, shall be allowed a credit of 100 percent of its capital investment, made after the effective date of P.L.2007, c.346 (C.34:1B-207 et seq.) but prior to its submission of documentation pursuant to subsection c. of this section, in a qualified business facility within an eligible municipality, pursuant to the restrictions and requirements of this section. To be eligible for any tax credits authorized under this section, a business shall demonstrate to the authority, at the time of application, that the State's financial support of the proposed capital investment in a qualified business facility will yield a net positive benefit to both the State and the eligible municipality. The value of all credits approved by the authority pursuant to P.L.2007, c.346 (C.34:1B-207 et seq.) shall not exceed \$1,500,000,000.

(2) A business, other than a tenant eligible pursuant to paragraph (3) of this subsection, shall make or acquire capital investments totaling not less than \$50,000,000 in a qualified business facility, at which the business shall employ not fewer than 250 full-time employees to be eligible for a credit under this section. A business that acquires a qualified business facility shall also be deemed to have acquired the capital investment made or acquired by the seller.

(3) A business that is a tenant in a qualified business facility, the owner of which has made or acquired capital investments in the facility totaling not less than \$50,000,000, shall occupy a leased area of the qualified business facility that represents at least \$17,500,000 of the capital investment in the facility at which the tenant business and up to two other tenants in the qualified business facility shall employ not fewer than 250 full-time employees in the aggregate to be eligible for a credit under this section. The amount of capital investment in a facility that a leased area represents shall be equal to that percentage of the owner's total capital investment in the facility that the percentage of net leasable area leased by the tenant is of the total net leasable area of the qualified business facility. Capital investments made by a tenant shall be deemed to be included in the calculation of the capital investment made or acquired by the owner, but only to the extent necessary to meet the owner's minimum capital investment of \$50,000,000. Capital investments made by a tenant and not allocated to meet the owner's minimum capital investment threshold of \$50,000,000 shall be added to the amount of capital investment represented by the tenant's leased area in the qualified business facility.

(4) A business shall not be allowed tax credits under this section if the business participates in a business employment incentive grant relating to the same capital and employees that qualify the business for this credit, or if the business receives assistance pursuant to P.L.1996, c.25 (C.34:1B-112 et seq.). A business that is allowed a tax credit under this section shall not be eligible for incentives authorized pursuant to P.L.2002, c.43 (C.52:27BBB-1 et al.). A business shall not qualify for a tax credit under this section, based upon capital investment and employment of full-time employees, if that capital investment or employment was the basis for which a grant was provided to the business pursuant to the "InvestNJ Business Grant Program Act," P.L.2008, c.112 (C.34:1B-237 et seq.).

(5) Full-time employment for an accounting or privilege period shall be determined as the average of the monthly full-time employment for the period.

(6) The capital investment of the owner of a qualified business facility is that percentage of the capital investment made or acquired by the owner of the building that the percentage of net leasable area of the qualified busi-

ness facility not leased to tenants is of the total net leasable area of the qualified business facility.

(7) A business shall be allowed a tax credit of 100 percent of its capital investment, made after the effective date of P.L.2011, c.89 but prior to its submission of documentation pursuant to subsection c. of this section, in a qualified business facility that is part of a mixed use project, provided that (a) the qualified business facility represents at least \$17,500,000 of the total capital investment in the mixed use project, (b) the business employs not fewer than 250 full-time employees in the qualified business facility, and (c) the total capital investment in the mixed use project of which the qualified business facility is a part is not less than \$50,000,000. The allowance of credits under this paragraph shall be subject to the restrictions and requirements, to the extent that those are not inconsistent with the provisions of this paragraph, set forth in paragraphs (1) through (6) of this subsection, including but not limited to the requirement that the business shall demonstrate to the authority, at the time of application, that the State's financial support of the proposed capital investment in a qualified business facility will yield a net positive benefit to both the State and the eligible municipality.

(8) In determining whether a proposed capital investment will yield a net positive benefit, the authority shall not consider the transfer of an existing job from one location in the State to another location in the State as the creation of a new job, unless (a) the business proposes to transfer existing jobs to a municipality in the State as part of a consolidation of business operations from two or more other locations that are not in the same municipality whether in-State or out-of-State, or (b) the business's chief executive officer, or equivalent officer, submits a certification to the authority indicating that the existing jobs are at risk of leaving the State and that the business's chief executive officer, or equivalent officer, has reviewed the information submitted to the authority and that the representations contained therein are accurate, and the business intends to employ not fewer than 500 full-time employees in the qualified business facility. In the event that this certification by the business's chief executive officer, or equivalent officer, is found to be willfully false, the authority may revoke any award of tax credits in their entirety, which revocation shall be in addition to any other criminal or civil penalties that the business and the officer may be subject to. When considering an application involving intra-State job transfers, the authority shall require the company to submit the following information as part of its application: a full economic analysis of all locations under consideration by the company; all lease agreements, ownership documents, or substantially similar documentation for the business's current in-State locations; and all lease

agreements, ownership documents, or substantially similar documentation for the potential out-of-State location alternatives, to the extent they exist. Based on this information, and any other information deemed relevant by the authority, the authority shall independently verify and confirm, by way of making a factual finding by separate vote of the authority's board, the business's assertion that the jobs are actually at risk of leaving the State, before a business may be awarded any tax credits under this section.

b. A business shall apply for the credit within five years after the effective date of P.L.2007, c.346 (C.34:1B-207 et seq.), and shall submit its documentation for approval of its credit amount within eight years after the effective date of P.L.2007, c.346 (C.34:1B-207 et seq.).

c. (1) The amount of credit allowed shall, except as otherwise provided, be equal to the capital investment made by the business, or the capital investment represented by the business' leased area, or area owned by the business as a condominium, and shall be taken over a 10-year period, at the rate of one-tenth of the total amount of the business' credit for each tax accounting or privilege period of the business, beginning with the tax period in which the business is first approved by the authority as having met the investment capital and employment qualifications, subject to any reduction or disqualification as provided by subsection d. of this section as determined by annual review by the authority. In conducting its annual review, the authority may require a business to submit any information determined by the authority to be necessary and relevant to its review.

The credit amount for any tax period ending after the date eight years after the effective date of P.L.2007, c.346 (C.34:1B-207 et seq.) during which the documentation of a business' credit amount remains unapproved shall be forfeited, although credit amounts for the remainder of the years of the 10-year credit period shall remain available to it.

The credit amount that may be taken for a tax period of the business that exceeds the final liabilities of the business for the tax period may be carried forward for use by the business in the next 20 successive tax periods, and shall expire thereafter, provided that the value of all credits approved by the authority against tax liabilities pursuant to P.L.2007, c.346 (C.34:1B-207 et seq.) in any fiscal year shall not exceed \$150,000,000.

The amount of credit allowed for a tax period to a business that is a tenant in a qualified business facility shall not exceed the business' total lease payments for occupancy of the qualified business facility for the tax period.

(2) A business that is a partnership shall not be allowed a credit under this section directly, but the amount of credit of an owner of a business shall be determined by allocating to each owner of the partnership that proportion

of the credit of the business that is equal to the owner of the partnership's share, whether or not distributed, of the total distributive income or gain of the partnership for its tax period ending within or with the owner's tax period, or that proportion that is allocated by an agreement, if any, among the owners of the partnership that has been provided to the Director of the Division of Taxation in the Department of the Treasury by such time and accompanied by such additional information as the director may require.

(3) The amount of credit allowed may be applied against the tax liability otherwise due pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5), pursuant to sections 2 and 3 of P.L.1945, c.132 (C.54:18A-2 and 54:18A-3), pursuant to section 1 of P.L.1950, c.231 (C.17:32-15), or pursuant to N.J.S.17B:23-5.

d. (1) If, in any tax period, fewer than 200 full-time employees of the business at the qualified business facility are employed in new full-time positions, the amount of the credit otherwise determined pursuant to final calculation of the award of tax credits pursuant to subsection c. of this section shall be reduced by 20 percent for that tax period and each subsequent tax period until the first period for which documentation demonstrating the restoration of the 200 full-time employees employed in new full-time positions at the qualified business facility has been reviewed and approved by the authority, for which tax period and each subsequent tax period the full amount of the credit shall be allowed; provided, however, that for businesses applying before January 1, 2010, there shall be no reduction if a business relocates to an urban transit hub from another location or other locations in the same municipality. For the purposes of this paragraph, a "new full-time position" means a position created by the business at the qualified business facility that did not previously exist in this State.

(2) If, in any tax period, the business reduces the total number of full-time employees in its Statewide workforce by more than 20 percent from the number of full-time employees in its Statewide workforce in the last tax accounting or privilege period prior to the credit amount approval under this section, then the business shall forfeit its credit amount for that tax period and each subsequent tax period, until the first tax period for which documentation demonstrating the restoration of the business' Statewide workforce to the threshold levels required by this paragraph has been reviewed and approved by the authority, for which tax period and each subsequent tax period the full amount of the credit shall be allowed.

(3) If, in any tax period, (a) the number of full-time employees employed by the business at the qualified business facility located in an urban transit hub within an eligible municipality drops below 250, or (b) the

number of full-time employees, who are not the subject of intra-State job transfers, pursuant to paragraph (8) of subsection a. of this section, employed by the business at any other business facility in the State, whether or not located in an urban transit hub within an eligible municipality, drops by more than 20 percent from the number of full-time employees in its workforce in the last tax accounting or privilege period prior to the credit amount approval under this section, then the business shall forfeit its credit amount for that tax period and each subsequent tax period, until the first tax period for which documentation demonstrating the restoration of the number of full-time employees employed by the business at the qualified business facility to 250 or an increase above the 20 percent reduction has been reviewed and approved by the authority, for which tax period and each subsequent tax period the full amount of the credit shall be allowed.

(4) (i) If the qualified business facility is sold in whole or in part during the 10-year eligibility period the new owner shall not acquire the capital investment of the seller and the seller shall forfeit all credits for the tax period in which the sale occurs and all subsequent tax periods, provided however that any credits of tenants shall remain unaffected.

(ii) If a tenant subleases its tenancy in whole or in part during the 10-year eligibility period the new tenant shall not acquire the credit of the sublessor, and the sublessor tenant shall forfeit all credits for the tax period of its sublease and all subsequent tax periods.

e. (1) The Executive Director of the New Jersey Economic Development Authority, in consultation with the Director of the Division of Taxation in the Department of the Treasury, shall adopt rules in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as are necessary to implement this act, including but not limited to: examples of and the determination of capital investment; the enumeration of eligible municipalities; specific delineation of urban transit hubs; the determination of the limits, if any, on the expense or type of furnishings that may constitute capital improvements; the promulgation of procedures and forms necessary to apply for a credit, including the enumeration of the certification procedures and allocation of tax credits for different phases of a qualified business facility or mixed use project; and provisions for credit applicants to be charged an initial application fee, and ongoing service fees, to cover the administrative costs related to the credit.

(2) Through regulation, the Economic Development Authority shall establish standards based on the green building manual prepared by the Commissioner of Community Affairs pursuant to section 1 of P.L.2007, c.132 (C.52:27D-130.6), regarding the use of renewable energy, energy-

efficient technology, and non-renewable resources in order to reduce environmental degradation and encourage long-term cost reduction.

3. Section 34 of P.L.2009, c.90 (C.34:1B-209.2) is amended to read as follows:

C.34:1B-209.2 Definitions.

34. As used in sections 34 and 35 of P.L.2009, c.90 (C.34:1B-209.2 and C.34:1B-209.3), the terms "affiliate," "authority," "capital investment," "eligible municipality," "partnership," "residential unit," and "urban transit hub" shall have the same meanings as ascribed thereto in the "Urban Transit Hub Tax Credit Act," P.L.2007, c.346 (C.34:1B-207 et seq.), as amended by P.L.2009, c.90 (C.52:27D-489a et al.), provided that all references therein to "business" and "qualified business facility" shall be deemed to refer respectively to "developer" and "qualified residential project," as such terms are defined in this section. Provided however, for purposes of a "mixed use project" as that term is defined and used pursuant to subparagraph (b) of paragraph (4) of subsection a. of section 35 of P.L.2009, c.90 (C.34:1B-209.3), "qualified business facility" means that term as defined pursuant to section 2 of P.L.2007, c.346 (C.34:1B-208). In addition, as used in sections 34 and 35 of P.L.2009, c.90 (C.34:1B-209.2 and C.34:1B-209.3):

"Developer" shall have the same meaning as "business," as such term is defined in the "Urban Transit Hub Tax Credit Act," P.L.2007, c.346 (C.34:1B-207 et seq.), as amended by P.L.2009, c.90 (C.52:27D-489a et al.).

"Qualified residential project" means any building, complex of buildings or structural components of buildings consisting predominantly of residential units, located in an urban transit hub within an eligible municipality.

4. Section 35 of P.L.2009, c.90 (C.34:1B-209.3) is amended to read as follows:

C.34:1B-209.3 Developer allowed certain tax credits.

35. a. (1) A developer, upon application to and approval from the authority, shall be allowed a credit of up to 35 percent of its capital investment, made after the effective date of P.L.2009, c.90 (C.52:27D-489a et al.) but prior to its submission of documentation pursuant to subsection c. of this section, in a qualified residential project, pursuant to the restrictions and requirements of this section. To be eligible for any tax credits authorized under this section, a developer shall demonstrate to the authority, through a project pro forma analysis at the time of application, that the qualified resi-

dential project is likely to be realized with the provision of tax credits at the level requested but is not likely to be accomplished by private enterprise without the tax credits. The value of all credits approved by the authority pursuant to P.L.2009, c.90 (C.52:27D-489a et al.) for qualified residential projects may be up to \$150,000,000, except as may be increased by the authority as set forth below; provided, however, that the combined value of all credits approved by the authority pursuant to both P.L.2007, c.346 (C.34:1B-207 et seq.) and P.L.2009, c.90 (C.52:27D-489a et al.) shall not exceed \$1,500,000,000. The authority shall monitor application and allocation activity under P.L.2007, c.346 (C.34:1B-207 et seq.), and if sufficient credits are available after taking into account allocation under P.L.2007, c.346 (C.34:1B-207 et seq.) to those qualified business facilities for which applications have been filed or for which applications are reasonably anticipated, and if the executive director judges certain qualified residential projects to be meritorious, the aforementioned \$150,000,000 cap may, in the discretion of the executive director, be exceeded for allocation to qualified residential projects in such amounts as the executive director deems reasonable, justified, and appropriate. In allocating all credits to qualified residential projects under this section, the executive director shall take into account, together with other factors deemed relevant by the executive director: input from the municipality in which the project is to be located, whether the project furthers specific State or municipal planning and development objectives, or both, and whether the project furthers a public purpose, such as catalyzing urban development or maximizing the value of vacant, dilapidated, outmoded, government-owned, or underutilized property, or both.

(2) A developer shall make or acquire capital investments totaling not less than \$50,000,000 in a qualified residential project to be eligible for a credit under this section. A developer that acquires a qualified residential project shall also be deemed to have acquired the capital investment made or acquired by the seller.

(3) The capital investment requirement may be met by the developer or by one or more of its affiliates.

(4) A developer of a mixed use project shall be allowed a credit pursuant to subparagraph (a) or (b) of this paragraph, but not both.

(a) A developer shall be allowed a credit in accordance with this section for a qualified residential project that includes a mixed use project.

(b) A developer shall be allowed a credit of up to 35 percent of its capital investment, made after the effective date of P.L.2011, c.89 but prior to its submission of documentation pursuant to subsection c. of this section, in a qualified residential project that is part of a mixed use project, provided

that: (a) the capital investment in the qualified residential project represents at least \$17,500,000 of the total capital investment in the mixed use project; and (b) the total capital investment in the mixed use project of which the qualified residential project is a part is not less than \$50,000,000. The allowance of credits under this paragraph shall be subject to the restrictions and requirements, to the extent that those are not inconsistent with the provisions of this paragraph, set forth in paragraphs (1) through (3) of this subsection, including but not limited to the requirement prescribed in paragraph (1) of this subsection that the developer shall demonstrate to the authority, through a project pro forma analysis at the time of application, that the qualified residential project is likely to be realized with the provision of tax credits at the level requested but is not likely to be accomplished by private enterprise without the tax credits.

As used in this subparagraph:

“Mixed use project” means a project comprising both a qualified residential project and a qualified business facility.

b. A developer shall apply for the credit within five years after the effective date of P.L.2009, c.90 (C.52:27D-489a et al.), and a developer shall submit its documentation for approval of its credit amount within eight years after the effective date of P.L.2009, c.90 (C.52:27D-489a et al.).

c. The credit shall be administered in accordance with the provisions of subsections c. and e. of section 3 of P.L.2007, c.346 (C.34:1B-209), as amended by section 32 of P.L.2009, c.90, and section 33 of P.L.2009, c.90 (C.34:1B-209.1), except that (1) all references therein to “business” and “qualified business facility” shall be deemed to refer respectively to “developer” and “qualified residential project,” as such terms are defined in section 34 of P.L.2009, c.90 (C.34:1B-209.2) and (2) all references therein to credits claimed by tenants and to reductions or disqualifications in credits as determined by annual review of the authority shall be disregarded. Provided however, for purposes of a “mixed use project” as that term is used and defined pursuant to subparagraph (b) of paragraph (4) of subsection a. of this section, “qualified business facility” means that term as defined pursuant to section 2 of P.L.2007, c.346 (C.34:1B-208).

5. Section 18 of P.L.2008, c.46 (C.52:27D-329.9) is amended to read as follows:

C.52:27D-329.9 Developments, certain, in certain regional planning entities.

18. a. Notwithstanding any rules of the council to the contrary, for developments consisting of newly-constructed residential units located, or to

be located, within the jurisdiction of any regional planning entity required to adopt a master plan or comprehensive management plan pursuant to statutory law, including the New Jersey Meadowlands Commission pursuant to subsection (i) of section 6 of P.L.1968, c.404 (C.13:17-6), the Pinelands Commission pursuant to section 7 of the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-8), the Fort Monmouth Economic Revitalization Planning Authority pursuant to section 5 of P.L.2006, c.16 (C.52:27I-5), or its successor, and the Highlands Water Protection and Planning Council pursuant to section 11 of P.L.2004, c.120 (C.13:20-11), but excluding joint planning boards formed pursuant to section 64 of P.L.1975, c.291 (C.40:55D-77), there shall be required to be reserved for occupancy by low or moderate income households at least 20 percent of the residential units constructed, to the extent this is economically feasible.

b. Subject to the provisions of subsection d. of this section, a developer of a project consisting of newly-constructed residential units being financed in whole or in part with State funds, including, but not limited to, transit villages designated by the Department of Transportation and units constructed on State-owned property, shall be required to reserve at least 20 percent of the residential units constructed for occupancy by low or moderate income households, as those terms are defined in section 4 of P.L.1985, c.222 (C.52:27D-304), with affordability controls as required under the rules of the council, unless the municipality in which the property is located has received substantive certification from the council and such a reservation is not required under the approved affordable housing plan, or the municipality has been given a judgment of repose or a judgment of compliance by the court, and such a reservation is not required under the approved affordable housing plan.

c. (1) The Legislature recognizes that regional planning entities are appropriately positioned to take a broader role in the planning and provision of affordable housing based on regional planning considerations. In recognition of the value of sound regional planning, including the desire to foster economic growth, create a variety and choice of housing near public transportation, protect critical environmental resources, including farmland and open space preservation, and maximize the use of existing infrastructure, there is created a new program to foster regional planning entities.

(2) The regional planning entities identified in subsection a. of this section shall identify and coordinate regional affordable housing opportunities in cooperation with municipalities in areas with convenient access to infrastructure, employment opportunities, and public transportation. Coordination of affordable housing opportunities may include methods to regionally

provide housing in line with regional concerns, such as transit needs or opportunities, environmental concerns, or such other factors as the council may permit; provided, however, that such provision by such a regional entity may not result in more than a 50 percent change in the fair share obligation of any municipality; provided that this limitation shall not apply to affordable housing units directly attributable to development by the New Jersey Sports and Exposition Authority within the New Jersey Meadowlands District.

(3) In addition to the entities identified in subsection a. of this section, the Casino Reinvestment Development Authority, in conjunction with the Atlantic County Planning Board, shall identify and coordinate regional affordable housing opportunities directly attributable to Atlantic City casino development, which may be provided anywhere within Atlantic County, subject to the restrictions of paragraph (4) of this subsection.

(4) The coordination of affordable housing opportunities by regional entities as identified in this section shall not include activities which would provide housing units to be located in those municipalities that are eligible to receive aid under the "Special Municipal Aid Act," P.L.1987, c.75 (C.52:27D-118.24 et seq.), or are coextensive with a school district which qualified for designation as a "special needs district" pursuant to the "Quality Education Act of 1990," P.L.1990, c.52 (C.18A:7D-1 et al.), or at any time in the last 10 years have been qualified to receive assistance under P.L.1978, c.14 (C.52:27D-178 et seq.) and that fall within the jurisdiction of any of the regional entities specified in subsection a. of this section.

d. Notwithstanding the provisions of subsection b. of this section, or any other law or regulation to the contrary, for purposes of mixed use projects or qualified residential projects in which a business receives a tax credit pursuant to P.L.2007, c.346 (C.34:1B-207 et seq.) or a tax credit pursuant to section 35 of P.L.2009, c.90 (C.34:1B-209.3), or both, an "eligible municipality," as defined in section 2 of P.L.2007, c.346 (C.34:1B-208), shall have the option of deciding the percentage of newly-constructed residential units within the project, up to 20 percent of the total, required to be reserved for occupancy by low or moderate income households. For a mixed use project or a qualified residential project that has received preliminary or final site plan approval prior to the effective date of P.L.2011, c.89, the percentage shall be deemed to be the percentage, if any, of units required to be reserved for low or moderate income households in accordance with the terms and conditions of such approval.

6. Section 3 of P.L.2009, c.90 (C.52:27D-489c) is amended to read as follows:

C.52:27D-489c Definitions relative to economic stimulus.

3. As used in sections 3 through 18 of P.L.2009, c.90 (C.52:27D-489c et al.):

"Applicant" means a developer proposing to enter into a redevelopment incentive grant agreement.

"Ancillary infrastructure project" means public structures or improvements that are located in the public right-of-way outside the project area of a redevelopment project, provided a developer or municipal redeveloper has demonstrated that the redevelopment project would not be economically viable without such improvements.

"Authority" means the New Jersey Economic Development Authority established under section 4 of P.L.1974, c.80 (C.34:1B-4).

"Developer" means any person who enters or proposes to enter into a redevelopment incentive grant agreement pursuant to the provisions of section 9 of P.L.2009, c.90 (C.52:27D-489i). A developer also may be a municipal government or a redevelopment agency as defined in section 3 of P.L.1992, c.79 (C.40A:12A-3).

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

"Eligible revenue" means the property tax increment and any other incremental revenues set forth in section 11 of P.L.2009, c.90 (C.52:27D-489k).

"Incentive grant" means reimbursement of all or a portion of the project financing gap of a redevelopment project through the State or a local Economic Redevelopment and Growth Grant program pursuant to section 4 or section 5 of P.L.2009, c.90 (C.52:27D-489d or C.52:27D-489e).

"Infrastructure improvements in the public right-of-way" mean public structures or improvements located in the public right of way that are located within a project area or that constitute an ancillary infrastructure project.

"Municipal redeveloper" means a municipal government or a redevelopment agency acting on behalf of a municipal government as defined in section 3 of P.L.1992, c.79 (C.40A:12A-3) that is an applicant for a redevelopment incentive grant agreement.

"Project area" means land or lands under common ownership or control including through a redevelopment agreement with a municipality or as otherwise established by a municipality.

"Project financing gap" means the part of the total redevelopment project cost, including return on investment, that remains to be financed after all other sources of capital have been accounted for, including, but not limited to, developer contributed capital, which shall not be less than 20 percent of the total project cost, and investor or financial entity capital or loans for

which the developer, after making all good faith efforts to raise additional capital, certifies that additional capital cannot be raised from other sources.

"Project revenue" means all rents, fees, sales, and payments generated by a project, less taxes or other government payments.

"Property tax increment" means the amount obtained by:

(1) multiplying the general tax rate levied each year by the taxable value of all the property assessed within a project area in the same year, excluding any special assessments; and

(2) multiplying that product by a fraction having a numerator equal to the taxable value of all the property assessed within the project area, minus the property tax increment base, and having a denominator equal to the taxable value of all property assessed within the project area.

For the purpose of this definition, "property tax increment base" means the aggregate taxable value of all property assessed which is located within the redevelopment project area as of October 1st of the year preceding the year in which the redevelopment incentive grant agreement is authorized.

"Qualifying economic redevelopment and growth grant incentive area" means Planning Area 1 (Metropolitan), Planning Area 2 (Suburban), or a center as designated by the State Planning Commission; an area zoned for development pursuant to a master plan adopted by the New Jersey Meadowlands Commission pursuant to subsection (i) of section 6 of P.L.1968, c.404 (C.13:17-6) or subject to a redevelopment plan adopted by the New Jersey Meadowlands Commission pursuant to section 20 of P.L.1968, c.404 (C.13:17-21); any land owned by the New Jersey Sports and Exposition Authority, established pursuant to P.L.1971, c.137 (C.5:10-1 et seq.), within the boundaries of the Hackensack Meadowlands District as delineated in section 4 of P.L.1968, c.404 (C.13:17-4); a pinelands regional growth area, a pinelands town management area, a pinelands village, or a military and federal installation area established pursuant to the pinelands comprehensive management plan adopted pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.); a transit village, as determined by the Commissioner of Transportation; and federally owned land approved for closure under a federal Base Realignment Closing Commission action.

"Redevelopment incentive grant agreement" means an agreement between, (1) the State and the New Jersey Economic Development Authority and a developer, or (2) a municipality and a developer, or a municipal ordinance authorizing a project to be undertaken by a municipal redeveloper, under which, in exchange for the proceeds of an incentive grant, the developer agrees to perform any work or undertaking necessary for a redevelopment project, including the clearance, development or redevelopment, construc-

tion, or rehabilitation of any structure or improvement of commercial, industrial, residential, or public structures or improvements within a qualifying economic redevelopment and growth grant incentive area or a transit village.

"Redevelopment project" means a specific work or improvement, including lands, buildings, improvements, real and personal property or any interest therein, including lands under water, riparian rights, space rights and air rights, acquired, owned, developed or redeveloped, constructed, reconstructed, rehabilitated or improved, undertaken by a developer within a project area and any ancillary infrastructure project associated therewith.

"Redevelopment utility" means a self-liquidating fund created by a municipality pursuant to section 12 of P.L.2009, c.90 (C.52:27D-489l) to account for revenues collected and incentive grants paid pursuant to section 11 of P.L.2009, c.90 (C.52:27D-489k), or other revenues dedicated to a redevelopment project.

"Revenue increment base" means the amounts of all eligible revenues from sources within the redevelopment project area in the calendar year preceding the year in which the redevelopment incentive grant agreement is executed, as certified by the State Treasurer for State revenues, and the chief financial officer of the municipality for municipal revenues.

"Transit village" means a community with a bus, train, light rail, or ferry station that has developed a plan to achieve its economic development and revitalization goals and has been designated by the New Jersey Department of Transportation as a transit village.

7. The provisions of P.L.2011, c.89 shall be severable, and if any of its provisions shall be held to be unconstitutional, the decision of the court shall not affect the validity of the remaining provisions of P.L.2011, c.89.

8. This act shall take effect immediately.

Approved July 26, 2011.

CHAPTER 90

AN ACT appropriating moneys from the "2009 Green Acres Fund" and the "Garden State Green Acres Preservation Trust Fund" to assist local government units to acquire or develop lands for recreation and conservation purposes.

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

1. As used in this act:

“Densely or highly populated municipality” means a municipality with a population density of at least 5,000 persons per square mile, or a population of at least 35,000 persons, according to the latest federal decennial census.

“Densely populated county” means a county with a population density of at least 5,000 persons per square mile according to the latest federal decennial census.

“Garden State Green Acres Preservation Trust Fund” means the fund established pursuant to section 19 of P.L.1999, c.152 (C.13:8C-19).

“Green Acres bond act” means P.L.2009, c.117, P.L.2007, c.119, P.L.1995, c.204, P.L.1992, c.88, P.L.1989, c.183, P.L.1987, c.265, and P.L.1983, c.354.

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

2. There is appropriated to the Department of Environmental Protection the following sums for the purpose of providing grants or loans, or both, to assist local government units to acquire lands for recreation and conservation purposes pursuant to section 3 of this act, for the purpose of providing grants or loans, or both, to assist local government units to develop lands for recreation and conservation purposes pursuant to section 4 of this act, and for the purpose of providing grants to assist local government units to acquire repetitively flooded lands located in the Passaic River Basin for recreation and conservation purposes pursuant to section 5 of this act:

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

b. \$29,495,199 reappropriated from 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.), and made available due to interest earnings, loan repayments, and project withdrawals, cancellations, or cost savings.

3. a. The following projects to acquire lands for recreation and conservation purposes are eligible for funding with the moneys appropriated pursuant to section 2 of this act:

(1) Planning Incentive Acquisition Projects:

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Atlantic County	Atlantic	Atlantic County Open Space Acq	\$900,000
Franklin Lakes Boro	Bergen	Haledon Reservoir Acq	450,000
Ridgewood Village	Bergen	Open Space Project	450,000
River Vale Twp	Bergen	Watershed Property Acq	450,000
Wyckoff Twp	Bergen	Wyckoff Land Acq Program	450,000
Burlington County	Burlington	Planning Incentive	900,000
Bordentown Twp	Burlington	Bordentown Twp Open Space Acq	450,000
Eastampton Twp	Burlington	Planning Incentive	450,000
Medford Twp	Burlington	Open Space Incentive	450,000
Moorestown Twp	Burlington	Open Space Preservation Plan	450,000
Shamong Twp	Burlington	Shamong Open Space Acq	450,000
Westampton Twp	Burlington	Planning Incentive	450,000
Clementon Boro	Camden	Clementon Open Space Acq	150,000
Gibbsboro Boro	Camden	Greenway Acq	434,914
Haddonfield Boro	Camden	Open Space Acq	450,000
Voorhees Twp	Camden	Planning Incentive Grant	450,000
Livingston Twp	Essex	Livingston Twp Open Space Acq	450,000
Gloucester County	Gloucester	Open Space Plan	900,000
Bethlehem Twp	Hunterdon	Open Space Plan Implementation	450,000
Delaware Twp	Hunterdon	Open Space Acq	450,000
East Amwell Twp	Hunterdon	Open Space & Recreation Plan	330,000
High Bridge Boro	Hunterdon	Open Space Plan	450,000
Kingwood Twp	Hunterdon	Open Space Plan	450,000
Raritan Twp	Hunterdon	Land Acq Plan	450,000
Readington Twp	Hunterdon	Greenway Incentive Plan	450,000
Union Twp	Hunterdon	Union Twp Open Space Plan	450,000
East Windsor Twp	Mercer	East Windsor Open Space Acq	250,000
Hopewell Boro	Mercer	Hopewell Boro Greenbelt Acq	350,000
Hopewell Twp	Mercer	Hopewell Open Space Acq	450,000
Pennington Boro	Mercer	Pennington Greenbelt Planning Incentive	400,000
Princeton Twp	Mercer	Princeton Open Space Acq	450,000
Robbinsville Twp	Mercer	Green Links Program	450,000
Cranbury Twp	Middlesex	Cranbury Twp Acq	450,000
Allentown Boro	Monmouth	Planning Incentive Acq	350,000
Manalapan Twp	Monmouth	Manalapan Twp Planning Incentive Acq	450,000

Manasquan Boro	Monmouth	Manasquan Boro Open Space Acq	450,000
Millstone Twp	Monmouth	Millstone Planning Incentive – Project Evergreen	450,000
Tinton Falls Boro	Monmouth	Tinton Falls Acq	450,000
Upper Freehold Twp	Monmouth	Upper Freehold Open Space Acq – 2000	450,000
Wall Twp	Monmouth	Wall Twp Open Space Plan	450,000
Denville Twp	Morris	Denville Open Space Acq	450,000
Jefferson Twp	Morris	Jefferson Acq Plan	450,000
Madison Boro	Morris	Madison Boro Open Space Acq	450,000
Mendham Twp	Morris	Mendham Twp Open Space Acq	450,000
Montville Twp	Morris	Montville Open Space Acq	450,000
Mount Olive Twp	Morris	Mount Olive Greenway Acq	450,000
Pequannock Twp	Morris	Planning Incentive	450,000
Ocean County	Ocean	Planning Incentive Grant	900,000
Ocean Twp	Ocean	Planning Incentive	450,000
Point Pleasant Beach Boro	Ocean	Open Space & Recreation Acq	450,000
Ringwood Boro	Passaic	Ringwood Boro Open Space Acq	450,000
Somerset County	Somerset	County Open Space Acq	900,000
Bedminster Twp	Somerset	Bedminster Parks Exp	450,000
Montgomery Twp	Somerset	Open Space Acq 5	450,000
Peapack-Gladstone Boro	Somerset	Open Space Acq	450,000
Warren Twp	Somerset	Warren Twp Planning Incentive	450,000
Sussex County	Sussex	Planning Incentive Grant	900,000
Wantage Twp	Sussex	Wantage Twp Plagar Site Acq	72,500
New Providence Boro	Union	Open Space Acq	450,000
Frelinghuysen Twp	Warren	Frelinghuysen Twp Open Space & Recreation Plan	450,000
Greenwich Twp	Warren	Greenwich Twp Planning Incentive	450,000
Hardwick Twp	Warren	Hardwick Twp Open Space	450,000
Harmony Twp	Warren	Harmony Twp Open Space & Recreation Plan	450,000
TOTAL			\$29,787,414

(2) Site Specific Incentive Acquisition Projects:

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Chesterfield Twp	Burlington	Recreation Fields Acq	\$450,000

Cape May City	Cape May	Lafayette Street Open Space Recreation Area	450,000
Lambertville City	Hunterdon	McCann Tract Acq	440,000
West Milford Twp	Passaic	Apple Acres/Open Space Acq	450,000
TOTAL			\$1,790,000

(3) Standard Acquisition Projects:

LOCAL GOVERNMENT UNIT			APPROVED AMOUNT
	COUNTY	PROJECT	
Ocean City	Cape May	4th Street Life Saving Station	\$450,000
Fairfield Twp	Essex	Blue Acres Acq	286,493
Aberdeen Twp	Monmouth	Freneau Lands Acq	450,000
Fair Haven Boro	Monmouth	Waterfront Park Acq	325,000
Mine Hill Twp	Morris	Canfield Land Acq	450,000
Vernon Twp	Sussex	Stanhill Conservation	151,250
TOTAL			\$2,112,743

b. The following projects to acquire lands for recreation and conservation purposes located in municipalities eligible to receive State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.), either as of June 30, 2010 or the effective date of this act, are eligible for funding with the moneys appropriated pursuant to section 2 of this act:

LOCAL GOVERNMENT UNIT			APPROVED AMOUNT
	COUNTY	PROJECT	
Garfield City	Bergen	Passaic River Historic Park Acq	\$219,863
Bayonne City	Hudson	Russell Golding Park Expansion	900,000
Trenton City	Mercer	Assunpink Creek Greenway	900,000
Old Bridge Twp	Middlesex	Planning Incentive Grant	900,000
Woodbridge Twp	Middlesex	Colonia Country Club	900,000
Neptune Twp	Monmouth	Welsh Farms Site Acq	844,000
Rahway City	Union	125 Monroe Street Acq	900,000
TOTAL			\$5,563,863

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

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Margate City	Atlantic	Ventnor Ave Park / Beach Parking Lot Acq	\$675,000
Teaneck Twp	Bergen	Teaneck Open Space Acq	500,000
Evesham Twp	Burlington	Planning Incentive	675,000
Mount Laurel Twp	Burlington	Mt. Laurel Acq Plan	675,000
Camden County	Camden	Bancroft Property Acq	800,000
Winslow Twp	Camden	Forest Meadows Program	150,000
Washington Twp	Gloucester	Open Space & Recreation Project	675,000
Hudson County	Hudson	Open Space Acq	1,350,000
Mercer County	Mercer	Mercer County Planning Incentive	1,125,000
Hamilton Twp	Mercer	Hamilton Twp Open Space Acq	675,000
Middlesex County	Middlesex	Middlesex County Open Space Acq	1,125,000
East Brunswick Twp	Middlesex	Open Space Plan	675,000
North Brunswick Twp	Middlesex	North Brunswick Plan	675,000
Piscataway Twp	Middlesex	Piscataway Open Space Acq	675,000
South Brunswick Twp	Middlesex	Open Space Acq	675,000
Monmouth County	Monmouth	Planning Incentive Acq	1,125,000
Howell Twp	Monmouth	Howell Twp Planning Incentive	675,000
Marlboro Twp	Monmouth	Marlboro Open Space Acq	416,442
Middletown Twp	Monmouth	Middletown Twp Planning Incentive	675,000
Morris County	Morris	Morris County Planning Incentive	1,125,000
Morristown Town	Morris	Hillcrest Park Acq	100,000
Jackson Twp	Ocean	Jackson Twp Open Space Acq Plan	675,000
Manchester Twp	Ocean	Planning Incentive	675,000
Passaic County	Passaic	Open Space Plan Acq	1,125,000
Wayne Twp	Passaic	Wayne Open Space Acq	675,000
Bridgewater Twp	Somerset	Bridgewater Open Space Plan	24,283
Hillsborough Twp	Somerset	Hillsborough Land Acq	675,000
Union County	Union	Union County Open Space & Recreation Plan	1,350,000
TOTAL			\$20,440,725
GRAND TOTAL			\$59,694,745

4. a. The following projects to develop lands for recreation and conservation purposes are eligible for funding with the moneys appropriated pursuant to section 2 of this act:

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
East Rutherford Boro	Bergen	Saint Joseph's Park Renovation	\$250,000
Secaucus Town	Hudson	Multi Parks	450,000
TOTAL			\$700,000

b. The following projects to develop lands for recreation and conservation purposes, located in municipalities eligible to receive State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.) either as of June 30, 2010 or the effective date of this act, or sponsored by densely populated counties, are eligible for funding with the moneys appropriated pursuant to section 2 of this act:

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Camden City	Camden	Pyne Point Park Rehabilitation	\$500,000
Pennsauken Twp	Camden	Crescent Field Renewal	900,000
Essex County	Essex	Multi-Parks Improvements (Belleville Twp Bloomfield Twp Caldwell Twp Boro East Orange City Essex Fells Twp Irvington Twp Montclair Twp Newark City Orange City Twp South Orange Village Twp Verona Twp West Orange Twp)	1,350,000
Essex County (Newark City)	Essex	Riverfront Park Improvements	1,350,000
Bloomfield Twp	Essex	Foley Field Restoration	900,000
Newark City	Essex	Minish Park Passaic Riverfront Development Project	900,000
Orange City Twp	Essex	Multi-Park Improvements – Phase III and IV	900,000
Hoboken City	Hudson	Hudson River Waterfront Reconstruction	900,000
Jersey City	Hudson	City Wide Park Improvements	900,000
North Bergen Twp	Hudson	Riverfront Park Development	900,000

Union City	Hudson	Washington Park Improvements	900,000
West New York Town	Hudson	Donnelly and Veteran's Park Rehab	900,000
Carteret Boro	Middlesex	Carteret Park Improvements 4	650,000
Long Branch City	Monmouth	Boardwalk Repair	842,400
Brick Twp	Ocean	Trader's Cove Marina Park	900,000
Clifton City	Passaic	Athenia Steel Recreational Complex	900,000
Passaic City	Passaic	Christopher Columbus Park Rehabilitation	900,000
Paterson City	Passaic	Paterson Great Falls and Pocket Parks – Phase 1	696,000
Union County	Union	Oak Ridge Park Phase I (Clark Twp)	1,350,000
Roselle Boro	Union	Multi-Park Improvement Project	900,000
TOTAL			\$18,438,400

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

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Bergen County	Bergen	Improvements to Westvale Park (Westwood Boro)	\$123,461
Cliffside Park Boro	Bergen	Auxiliary Field Improvements	151,350
Little Ferry Boro	Bergen	Indian Lake Park Recreation Improvements – Ph III	230,650
Ridgefield Park Village	Bergen	Veteran's Park Multipurpose Grass Field Project	259,000
Rutherford Boro	Bergen	Wall Field Improvements	422,593
Camden County	Camden	Cooper River Park Improvements (Pennsauken Twp)	1,125,000
Hudson County	Hudson	Pond and Lake Improvements (Bayonne City Jersey City)	1,350,000
TOTAL			\$3,662,054
GRAND TOTAL			\$22,800,454

5. Of the funds appropriated pursuant to subsection b. of section 2 of this act, \$2,000,000 shall be made available for the purpose of providing grants to assist local government units to acquire, for recreation and con-

servation purposes, properties that are prone to or have incurred flood or storm damage located in the Passaic River Basin, as follows:

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

	Essex Fells Twp
	Fairfield Twp
	Glen Ridge Twp Boro
	Livingston Twp
	Millburn Twp
	Montclair Twp
	Newark City
	North Caldwell Twp
	Nutley Twp
	Orange City Twp
	Roseland Boro
	South Orange Village Twp
	Verona Twp
	West Caldwell Twp
	West Orange Twp
Hudson	East Newark Boro
	Harrison Town
	Kearny Town
Morris	Boonton Town
	Boonton Twp
	Butler Boro
	Chatham Boro
	Chatham Twp
	Denville Twp
	Dover Town
	East Hanover Twp
	Florham Park Boro
	Hanover Twp
	Harding Twp
	Jefferson Twp
	Kinnelon Boro
	Lincoln Park Boro
	Long Hill Twp
	Madison Boro
	Mendham Boro
	Mendham Twp
	Mine Hill Twp
	Montville Twp
	Morris Plains Boro
	Morris Twp
	Morristown Town
	Mount Arlington Boro
	Mountain Lakes Boro
	Parsippany-Troy Hills Twp

	Pequannock Twp
	Randolph Twp
	Riverdale Boro
	Rockaway Boro
	Rockaway Twp
	Roxbury Twp
	Victory Gardens Boro
	Wharton Boro
Passaic	Bloomington Boro
	Clifton City
	Haledon Boro
	Hawthorne Boro
	Little Falls Twp
	North Haledon Boro
	Passaic City
	Paterson City
	Pompton Lakes Boro
	Prospect Park Boro
	Ringwood Boro
	Totowa Boro
	Wanaque Boro
	Wayne Twp
	West Milford Twp
	Woodland Park Boro
Somerset	Bernards Twp
	Bernardsville Boro
	Bridgewater Twp
	Far Hills Boro
	Warren Twp
Sussex	Hardyston Twp
	Sparta Twp
	Vernon Twp
Union	Berkeley Heights Twp
	New Providence Boro
	Summit City

6. a. Any transfer of funds, or change in project sponsor, site, or type, listed in section 3, section 4 or section 5 of this act shall require the approval of the Joint Budget Oversight Committee or its successor.

b. To the extent that moneys remain available after the projects listed in section 3, section 4 or section 5 of this act are offered funding pursuant thereto, any project of a local government unit that previously received funding appropriated or reappropriated from any Green Acres bond act, any

annual appropriations act, or the Garden State Green Acres Preservation Trust Fund for recreation and conservation purposes, or that receives funding approved pursuant to this act, shall be eligible to receive additional funding, as determined by the Department of Environmental Protection, subject to the approval of the Joint Budget Oversight Committee or its successor.

7. a. There is reappropriated to the Department of Environmental Protection the unexpended balances, due to project withdrawals, cancellations, or cost savings, of the amounts appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund to assist local government units to acquire or develop lands for recreation and conservation purposes, for the purposes of providing:

(1) grants or loans, or both, to assist local government units to acquire or develop lands for recreation and conservation purposes, for projects approved as eligible for such funding pursuant to this act; and

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

b. There is appropriated to the Department of Environmental Protection such sums as may be, or may become, available on or before June 30, 2011, due to interest earnings or loan repayments in any "Green Trust Fund" established pursuant to a Green Acres bond act or in the "Garden State Green Acres Preservation Trust Fund," for the purpose of providing:

(1) grants or loans, or both, to assist local government units to acquire or develop lands for recreation and conservation purposes, for projects approved as eligible for such funding pursuant to this act; and

(2) additional funding, as determined by the Department of Environmental Protection, to any project of a local government unit that previously received funding appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund for recreation and conservation purposes or that receives funding approved pursuant to this act, subject to the approval of the Joint

Budget Oversight Committee or its successor. Any such additional funding provided from a Green Acres bond act may include administrative costs.

8. This act shall take effect immediately.

Approved August 3, 2011.

CHAPTER 91

AN ACT appropriating \$14,818,787 from the “2009 Green Acres Fund” and the “Garden State Green Acres Preservation Trust Fund” to provide grants to assist qualifying tax exempt nonprofit organizations to acquire or develop lands for recreation and conservation purposes.

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

1. a. There is appropriated to the Department of Environmental Protection the following sums for the purpose of providing grants to assist qualifying tax exempt nonprofit organizations to acquire lands for recreation and conservation purposes pursuant to subsection b. of this section and for the purpose of providing grants to assist qualifying tax exempt nonprofit organizations to develop lands for recreation and conservation purposes pursuant to subsection c. of this section:

(1) \$9,000,000 from the “2009 Green Acres Fund,” established pursuant to section 17 of the “Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009,” P.L.2009, c.117; and

(2) \$5,818,787 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 made available due to interest earnings, project withdrawals, cancellations, and cost savings.

b. The following projects for the acquisition of lands for recreation and conservation purposes are eligible for funding with the moneys appropriated pursuant to subsection a. of this section:

Nonprofit Organization	Project	County	Municipality	Approved Amount
(1) American Littoral Society	Delaware Bay Acquisitions	Cape May	Dennis Twp Lower Twp Middle Twp	\$275,000

		Cumberland	Upper Twp Bridgeton City Deerfield Twp Fairfield Twp Greenwich Twp Hopewell Twp Millville City Stow Creek Twp Upper Deerfield Twp Vineland City	
		Salem	Alloway Twp Elsinboro Twp Lower Alloways Creek Twp Mannington Twp Pennsville Twp Quinton Twp	
(2) Concerned Citizens of Allendale, Inc	Fell House & Open Space Acq	Bergen	Allendale Boro	17,574
(3) D & R Greenway Land Trust	Greenway Acq			550,000
	Central Stony Brook Greenway	Hunterdon Mercer	Delaware Twp East Amwell Twp Hopewell Twp Lawrence Twp Pennington Boro Princeton Twp Cranbury Twp	
	Delaware Bay Estuary Acq	Middlesex Cumberland	Deerfield Twp Fairfield Twp Greenwich Twp Hopewell Twp Stow Creek Twp Upper Deerfield Twp	
		Salem	Elinsboro Twp Lower Alloways Creek Twp Mannington Twp Pennsville Twp	
	Delaware River Tributaries Acq	Burlington	Bordentown City Bordentown Twp Chesterfield Twp North Hanover Twp	
		Mercer	Hamilton Twp Hopewell Twp Lawrence Twp Robbinsville Twp West Windsor Twp	

		Middlesex	Trenton City	
		Monmouth	Monroe Twp	
		Middlesex	Upper Freehold Twp	
Griggstown		Middlesex	Highland Park Boro	
Canal Acq		Somerset	Franklin Twp	
			Rocky Hill Boro	
Sourlands		Hunterdon	East Amwell Twp	
Mountain			Lambertville City	
Acq			West Amwell Twp	
		Mercer	Hopewell Twp	
		Somerset	Branchburg Twp	
			Hillsborough Twp	
			Montgomery Twp	
Upper		Mercer	West Windsor Twp	
Millstone		Middlesex	Cranbury Twp	
Greenway			Highland Park Boro	
			Monroe Twp	
			Plainsboro Twp	
			South Brunswick Twp	
		Monmouth	Millstone Twp	
(4) East Windsor	Millstone	Mercer	East Windsor Twp	100,000
Green Space, Inc	River – Rocky			
	Brook Acq			
(5) Friends of	Hopewell	Mercer	Hopewell Boro	275,000
Hopewell Valley	Valley Park		Hopewell Twp	
Open Space	Acq		Lawrence Twp	
(6) Friends Of	Millstone	Mercer	Princeton Twp	275,000
Princeton Open	River			
Space	Watershed			
(7) Friends of	Duck Pond	Mercer	West Windsor Twp	100,000
West Windsor	Run –			
Open Space	Greenway			
	Initiative			
(8) Greater	Urban Env &	Essex	Newark City	275,000
Newark	Ecological			
Conservancy	Center Expansion			
(9) Harding	Open Spaces	Morris	Harding Twp	260,000
Land Trust	& Natural			
	Places of			
	Harding Twp			
(10) Hunterdon	Priority Areas	Hunterdon	All municipalities	550,000
Land Trust				
Alliance				

(11) Kingston Greenways Association	Princeton Ridge / Ricciardi Tract	Mercer	Princeton Twp	275,000
(12) Lamington Conservancy	Central Lamington Project	Hunterdon Morris` Somerset	Tewksbury Twp Chester Twp Washington Twp Bedminster Twp Peapack-Gladstone Boro	275,000
(13) Monmouth Conservation Foundation	Open Space Plans 2	Monmouth	All municipalities	275,000
(14) Montgomery Friends Of Open Space	Montgomery Conservation Plan	Somerset	Montgomery Twp	275,000
(15) National Biodiversity Park, Inc	Lower Rahway River	Middlesex Union	Carteret Boro Linden City	275,000
(16) Natural Lands Trust, Inc.	Delaware Estuaries Acq	Cumberland Salem	Commercial Twp Downe Twp Greenwich Twp Hopewell Twp Maurice River Twp Millville City Stow Creek Twp Alloway Twp Lower Alloways Creek Twp Quinton Twp	200,000
(17) New Jersey Conservation Foundation	Priority Area Acq: Appalachian Trail Buffers Arthur Kill Greenway Black River Greenway	Sussex Middlesex Union Hunterdon Somerset	Wantage Twp Edison Twp Linden City Springfield Twp Union Twp Clinton Twp Lebanon Boro Lebanon Twp Readington Twp Tewksbury Twp Bedminster Twp Bernards Twp	550,000

		Bernardsville Boro
		Branchburg Twp
		Bridgewater Twp
		Far Hills Boro
		Hillsborough Twp
		Peapack-Gladstone Boro
		Raritan Boro
Burden Hill	Cape May	Lower Twp
Forest/		Middle Twp
Delaware	Cumberland	Fairfield Twp
Bay		Greenwich Twp
		Hopewell Twp
		Millville City
		Stow Creek Twp
		Upper Deerfield Twp
		Vineland City
	Gloucester	Logan Twp
		South Harrison Twp
		Woolwich Twp
	Salem	Alloway Twp
		Carneys Point Twp
		Elmer Boro
		Elsinboro Twp
		Lower Alloways Creek Twp
		Mannington Twp
		Oldmans Twp
		Pennsville Twp
		Pilesgrove Twp
		Pittsgrove Twp
		Quinton Twp
		Upper Pittsgrove Twp
		Woodstown Boro
South Jersey	Camden	Camden City
Metro /		
Pine Barrens:		
Camden		
Greenway		
Ellwood	Atlantic	Buena Vista Twp
Corridor		Egg Harbor City
		Egg Harbor Twp
		Estell Manor City
		Folsom Boro
		Hamilton Twp
		Hammonton Town
		Mullica Twp
		Weymouth Twp
Forked River	Ocean	Lacey Twp
Mountain		Ocean Twp
Add		

Four Mile Circle	Burlington	Bass River Twp Burlington Twp Pemberton Twp Tabernacle Twp Washington Twp Woodland Twp
Greater Kettle Run	Burlington	Evesham Twp Medford Twp
Highlands Region: Arcadia Lake/Newark Watershed	Passaic	West Milford Twp
Kittatinny Forest Area	Sussex	Frankford Twp Hampton Twp
Morris County Additions	Morris	Boonton Town Butler Boro Chatham Boro Chatham Twp Denville Twp Dover Town East Hanover Twp Florham Park Boro Hanover Twp Harding Twp Lincoln Park Boro Long Hill Twp Madison Boro Morris Plains Boro Morris Twp Morristown Town Mount Olive Twp Mountain Lakes Boro Netcong Boro Parsippany-Troy Hills Twp Pequannock Twp Riverdale Boro Rockaway Boro Rockaway Twp Victory Gardens Boro Wharton Boro
Musconetcong Valley	Warren	Franklin Twp Greenwich Twp Mansfield Twp Washington Twp
Pyramid Mountain Addition	Morris	Boonton Twp Kinnelon Boro Montville Twp

	Scotts Mtn Acq	Warren	Harmony Twp Lopatcong Twp White Twp	
	Sparta Mountain Greenway	Morris	Jefferson Twp Mendham Boro Mendham Twp Mine Hill Twp Mount Arlington Boro Randolph Twp Roxbury Twp Washington Twp	
		Sussex	Byram Twp Hopatcong Boro Sparta Twp	
	Vernon Marsh Western Piedmont: Back Brook	Sussex Hunterdon	Vernon Twp East Amwell Twp Lambertville City West Amwell Twp	
	Sourland Mountain	Mercer	Hopewell Twp Princeton Twp	
	Wickecheoke Creek Acq	Somerset Hunterdon	Montgomery Twp Delaware Twp Franklin Twp Kingwood Twp Raritan Twp Stockton Boro	
(18) Old Pine Farm Natural Lands Trust	Old Pine Farm Greenway	Camden Gloucester	Gloucester Twp Deptford Twp	237,500
(19) Passaic River Coalition	Passaic River Preservation Project	Bergen	Allendale Boro Elmwood Park Boro Fair Lawn Boro Garfield City Ho-Ho-Kus Boro Lyndhurst Twp Mahwah Twp Oakland Boro Ridgewood Village Rutherford Boro Saddle River Boro Upper Saddle River Boro Wallington Boro	550,000
		Essex	Cedar Grove Twp Fairfield Twp Livingston Twp Newark City Roseland Boro	

			Verona Twp	
			West Caldwell Twp	
		Morris	Butler Boro	
			Chatham Boro	
			Chatham Twp	
			Denville Twp	
			East Hanover Twp	
			Florham Park Boro	
			Hanover Twp	
			Jefferson Twp	
			Kinnelon Boro	
			Lincoln Park Boro	
			Long Hill Twp	
			Mendham Boro	
			Mendham Twp	
			Montville Twp	
			Morris Twp	
			Morristown Town	
			Parsippany-Troy Hills Twp	
			Pequannock Twp	
			Riverdale Boro	
			Rockaway Twp	
		Passaic	Bloomington Boro	
			Clifton City	
			Hawthorne Boro	
			Little Falls Twp	
			Passaic City	
			Paterson City	
			Pompton Lakes Boro	
			Totowa Boro	
			Wanaque Boro	
			Wayne Twp	
			West Milford Twp	
			Woodland Park Boro	
		Somerset	Bernards Twp	
			Bernardsville Boro	
			Warren Twp	
		Sussex	Hardyston Twp	
			Sparta Twp	
		Union	Berkeley Heights Twp	
			New Providence Boro	
			Summit City	
(20) Rancocas Conservancy	Rancocas Watershed Acq	Burlington	All municipalities	275,000
(21) Ridge and Valley Conservancy	Open Space Conservation Plan	Sussex	Andover Boro	275,000
			Andover Twp	
			Frankford Twp	
			Fredon Twp	

		Warren	Green Twp Hampton Twp Hardyston Twp Lafayette Twp Sandyston Twp Stillwater Twp Wantage Twp Allamuchy Twp Blairstown Twp Frelinghuysen Twp Hardwick Twp Hope Twp Knowlton Twp Mansfield Twp White Twp	
(22) Schiff Natural Lands Trust, Inc	Schiff-Mount Paul Greenway	Morris	Chester Twp East Hanover Twp Florham Park Boro Hanover Twp Mendham Boro Mendham Twp	275,000
(23) South Jersey Land Trust	South Jersey Watersheds	Gloucester Salem	All municipalities Carneys Point Twp Oldmans Twp Pilesgrove Twp	275,000
(24) Stony Brook Millstone Watershed Association	Watershed Connectors	Mercer	Hopewell Boro Hopewell Twp Pennington Boro Princeton Twp	275,000
(25) Tewksbury Land Trust	Land Acq	Hunterdon	Tewksbury Twp	275,000
(26) The Conservation Fund	Future Mining Indian Trail	Cape May	Middle Twp	275,000
(27) The Elizabeth Conservancy, Inc	Bongiovanni Land Acq	Union	Elizabeth City	242,713
(28) The Land Conservancy of New Jersey	Priority Areas Acq	Essex Morris	Bloomfield Twp Livingston Twp West Orange Twp Boonton Twp Chatham Boro Chatham Twp	550,000

			Denville Twp	
			Jefferson Twp	
			Kinnelon Boro	
			Madison Boro	
			Mine Hill Twp	
			Montville Twp	
			Morris Twp	
			Morristown Town	
			Mount Olive Twp	
			Parsippany-Troy Hills Twp	
			Pequannock Twp	
			Randolph Twp	
			Rockaway Twp	
			Roxbury Twp	
			Washington Twp	
	Passaic		Ringwood Boro	
			West Milford Twp	
	Somerset		Peapack-Gladstone Boro	
	Sussex		Andover Boro	
			Byram Twp	
			Frankford Twp	
			Fredon Twp	
			Green Twp	
			Hampton Twp	
			Hopatcong Boro	
			Lafayette Twp	
			Stillwater Twp	
			Vernon Twp	
	Warren		Allamuchy Twp	
			Franklin Twp	
			Frelinghuysen Twp	
			Greenwich Twp	
			Hardwick Twp	
			Harmony Twp	
			Pohatcong Twp	
(29) The Nature Conservancy	Priority Areas Acq			550,000
	Cape May Project Area	Cape May	Cape May City	
			Cape May Point Boro	
			Dennis Twp	
			Lower Twp	
			Middle Twp	
			West Cape May Boro	
		Cumberland	Maurice River Twp	
	Delaware Bay Greenway	Cumberland	Commercial Twp	
			Downe Twp	
			Fairfield Twp	

			Lawrence Twp
			Maurice River Twp
			Millville City
			Vineland City
East and West Plains	Burlington		Bass River Twp
			Pemberton Boro
			Pemberton Twp
			Washington Twp
			Woodland Twp
Ellwood Corridor	Atlantic		Estell Manor City
			Galloway Twp
			Hamilton Twp
			Mullica Twp
Forked River Mountain	Ocean		Lacey Twp
			Ocean Twp
High Mt Project Area	Passaic		North Haledon Boro
			Wayne Twp
Hirst Ponds	Atlantic		Galloway Twp
Limestone	Sussex		Andover Boro
Forest Acq			Andover Twp
			Frankford Twp
			Fredon Twp
			Green Twp
			Hampton Twp
			Hardyston Twp
			Lafayette Twp
			Montague Twp
			Newton Town
			Sandyston Twp
			Stillwater Twp
			Walpack Twp
			Wantage Twp
	Warren		Allamuchy Twp
			Blairstown Twp
			Frelinghuysen Twp
			Hardwick Twp
			Hope Twp
Maurice River Project Area	Cumberland		Maurice River Twp
			Millville City
Oswego River Lowlands	Ocean		Barnegat Twp
			Eagleswood Twp
			Little Egg Harbor Twp
			Stafford Twp
Willow Grove	Gloucester		Franklin Twp
	Salem		Pittsgrove Twp
(30) Trust For Public Land	Project Priority Areas		550,000

Atlantic Balanced Communities Acq	Atlantic	Absecon City Egg Harbor City Egg Harbor Twp Galloway Twp Hamilton Twp Linwood City Northfield City Pleasantville City Port Republic City Somers Point City
Bay to Bay	Monmouth	Allenhurst Boro Asbury Park City Avon-By-The-Sea Boro Belmar Boro Bradley Beach Boro Brielle Boro Deal Boro Interlaken Boro Loch Arbour Village Long Branch City Manasquan Boro Monmouth Beach Boro Neptune Twp Sea Bright Boro Sea Girt Boro Spring Lake Boro Spring Lake Heights Boro Wall Twp All municipalities
Bergen Co. Open Space Partnership	Bergen	
Beyond the Century Plan – Barnegat Bay Initiative	Monmouth Ocean	Freehold Twp Barnegat Light Boro Berkeley Twp Brick Twp Eagleswood Twp Jackson Twp Lacey Twp Little Egg Harbor Twp Long Beach Twp Manchester Twp Ocean Twp Stafford Twp Toms River Twp Tuckerton Boro
Camden Balanced Communities Acq	Camden	Berlin Boro Camden City Cherry Hill Twp Clementon Boro

		Gloucester Twp
		Haddon Twp
		Lindenwold Boro
		Pennsauken Twp
		Voorhees Twp
Delaware	Burlington	Bordentown Twp
River Inland		Burlington Twp
		Cinnaminson Twp
		Delran Twp
		Florence Twp
		Mansfield Twp
		Mount Laurel Twp
		Springfield Twp
		Willingboro Twp
Essex Co.	Essex	All municipalities
Open Space		
Harbor	Bergen	East Rutherford Boro
Estuaries Acq	Hudson	Jersey City
		Secaucus Town
	Middlesex	Carteret Boro
		Old Bridge Twp
		Woodbridge Twp
	Monmouth	Aberdeen Twp
		Atlantic Highlands Boro
		Fair Haven Boro
		Hazlet Twp
		Highlands Boro
		Keansburg Boro
		Keyport Boro
		Matawan Boro
		Middletown Twp
		Rumson Boro
		Union Beach Boro
	Union	Linden City
		Rahway City
Hudson Co	Hudson	All municipalities
Open Space		
Hunterdon Co	Hunterdon	All municipalities
Open Space		
Partnership		
Interstate 195	Mercer	Hamilton Twp
Corridor		Robbinsville Twp
	Monmouth	Allentown Boro
		Freehold Boro
		Freehold Twp
		Howell Twp
		Millstone Twp
		Upper Freehold Twp
		Wall Twp

Metedeconk Watershed Protection	Monmouth	Freehold Twp Howell Twp Millstone Twp Wall Twp
	Ocean	Brick Twp Jackson Twp Lakewood Twp
	Morris	All municipalities
	Passaic	All municipalities
	Somerset	All municipalities
Morris Open Space Acq	Morris	All municipalities
Passaic Open Space	Passaic	All municipalities
Somerset Open Space Acq	Somerset	All municipalities
Sussex Open Space Partnership	Sussex	All municipalities
Upper Delaware River Watershed	Hunterdon	Alexandria Twp Bethlehem Twp Bloomsbury Boro Hampton Boro Holland Twp Lebanon Boro Lebanon Twp
	Morris	Mount Arlington Boro Mount Olive Twp Netcong Boro Roxbury Twp Washington Twp
	Sussex	Andover Boro Andover Twp Branchville Boro Byram Twp Frankford Twp Fredon Twp Green Twp Hampton Twp Hardyston Twp Hopatcong Boro Lafayette Twp Montague Twp Newton Town Sandyston Twp Sparta Twp Stanhope Boro Stillwater Twp Walpack Twp Wantage Twp
	Warren	All municipalities

	Wanaque Gap Acq	Bergen	Mahwah Twp	
(31) Upper Raritan Watershed Association	Upper Raritan Watershed Region	Hunterdon Morris Somerset	Tewksbury Twp Chester Twp Washington Twp Bedminster Twp Bernards Twp Bernardsville Boro Peapack-Gladstone Boro	275,000
(32) Washington Twp Land Trust / Washington Twp	Schooley's Mountain Corridor & Vicinity	Morris	Washington Twp	275,000
(33) YMCA Camp Ockanickon	Camp Ockanickon Conservation & Recreation Program	Burlington	Medford Twp Shamong Twp	275,000
TOTAL				\$10,232,787

c. The following projects for the development of lands for recreation and conservation purposes are eligible for funding with the moneys appropriated pursuant to subsection a. of this section:

Nonprofit Organization	Project	County	Municipality	Approved Amount
Branch Brook Park Alliance	Branch Brook Park – Kiyo Grove, Lions & Lake Edge	Essex	Newark City	\$275,000
Briant Park Olmsted Conservancy	Briant Park Improvements	Union	Summit City	275,000
Down Neck Community Sports Group	Riverfront Park Improvements	Essex	Newark City	275,000
Eagle Rock Conservancy, Inc	Eagle Rock Reservation Improvements	Essex	Montclair Twp Verona Twp West Orange Twp	275,000
Hilltop Conservancy, Inc	Hilltop Reservation Improvements	Essex	Montclair Twp Verona Twp	275,000

Ironbound Community Corporation	Riverfront Park Improvements	Essex	Newark City	275,000
La Casa de Don Pedro	Branch Brook Park – Kiyo Grove, Lions & Lake Edge	Essex	Newark City	275,000
Lincoln Park Coast Cultural District	Lincoln Park/ Coast Cultural Revitalization Greenway	Essex	Newark City	275,000
North Ward Center	Branch Brook Park Ext. Rehabilitation	Essex	Belleville Twp Newark City	275,000
Passaic River Rowing Association	Passaic River Rowing Association Boathouse	Bergen	Lyndhurst Twp	275,000
Roberto Clemente League	Branch Brook Park Ext. Rehabilitation	Essex	Belleville Twp Newark City	275,000
Save Ellis Island	Ellis Island Open Space Project	Hudson	Jersey City	275,000
South Mountain Conservancy	South Mountain Reservation Improvements	Essex	Maplewood Twp Millburn Twp South Orange Village Twp West Orange Twp	275,000
SPARK Friends, Inc	Riverfront Park Improvements	Essex	Newark City	275,000
Verona Park Conservancy	Verona Park Improvements	Essex	Verona Twp	275,000
Washington Park Association	Washington & Lincoln Park Improvements	Hudson	Jersey City Union City	186,000
West Side Park Conservancy, Inc	Hatfield Swamp Improvements	Essex	Roseland Boro	275,000

TOTAL**\$4,586,000**

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

e. To the extent that moneys remain available after the projects listed in subsection b. or c. of this section are offered funding pursuant thereto, any project of a qualifying tax exempt nonprofit organization that previously received funding appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund for recreation and conservation purposes shall be eligible to receive additional funding, as determined by the Department of Environmental Protection, subject to the approval of the Joint Budget Oversight Committee or its successor.

f. There is reappropriated to the Department of Environmental Protection the unexpended balances, due to project withdrawals, cancellations, or cost savings, of the amounts appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund to assist qualifying tax exempt nonprofit organizations to acquire or develop lands for recreation and conservation purposes, for the purposes of: (1) this section; and (2) providing additional funding, as determined by the Department of Environmental Protection, to any project of a qualifying tax exempt nonprofit organization that previously received funding appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund for recreation and conservation purposes, subject to the approval of the Joint Budget Oversight Committee or its successor. Any such additional funding provided from a Green Acres bond act may include administrative costs.

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

2. This act shall take effect immediately.

Approved August 3, 2011.

CHAPTER 92

AN ACT appropriating \$45,000,000 from the "2009 Green Acres Fund" and \$12,000,000 from the "2009 Blue Acres Fund" for the acquisition of lands

by the State for recreation and conservation purposes and for Blue Acres projects.

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

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

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

Project	County	Municipality	Amount
(1) BARNEGAT BAY WATERSHED GREENWAY			\$3,000,000
<i>Barnegat Bay Greenway</i>			
	Monmouth	Freehold Twp	
		Howell Twp	
	Ocean	Barnegat Twp	
		Berkeley Twp	
		Brick Twp	
		Eagleswood Twp	
		Jackson Twp	
		Lacey Twp	
		Lakewood Twp	
		Little Egg Harbor Twp	
		Ocean Twp	
		Stafford Twp	
		Toms River Twp	
(2) CAPE MAY PENINSULA			\$5,000,000
<i>Cape May Peninsula</i>			
	Cape May	Cape May City	
		Cape May Point Boro	
		Dennis Twp	
		Lower Twp	
		Middle Twp	
		Ocean City	
		Sea Isle City	
		Upper Twp	

West Cape May Boro
Woodbine Boro

(3) CROSSROADS OF AMERICAN REVOLUTION 1,000,000

Princeton to Morristown

Hunterdon

Delaware Twp
East Amwell Twp
Flemington Boro
Franklin Twp
Frenchtown Boro
Kingwood Twp
Lambertville City
Raritan Twp
Readington Twp

Morris

Stockton Boro
Chatham Boro
Chatham Twp
Chester Boro
Harding Twp
Long Hill Twp
Madison Boro
Mendham Boro
Mendham Twp
Morris Plains Boro
Morris Twp

Somerset

Morristown Town
Randolph Twp
Bedminster Twp
Bernards Twp
Bernardsville Boro
Bound Brook Boro
Branchburg Twp
Bridgewater Twp
Far Hills Boro
Franklin Twp
Green Brook Twp
Hillsborough Twp
Manville Boro
Millstone Boro
Montgomery Twp
North Plainfield Boro
Peapack-Gladstone Boro
Raritan Boro
Rocky Hill Boro

		Somerville Boro
		South Bound Brook Boro
		Warren Twp
		Watchung Boro
	<i>Washington Crossing to Princeton Battlefield</i>	
	Hunterdon	East Amwell Twp
		West Amwell Twp
	Mercer	Hopewell Boro
		Hopewell Twp
		Pennington Boro
		Princeton Twp
		Trenton City
(4)	DELAWARE BAY WATERSHED GREENWAY	6,000,000
	<i>Alloways Creek Greenway</i>	
	Salem	Alloway Twp
		Elsinboro Twp
		Lower Alloways Creek Twp
		Pilesgrove Twp
		Quinton Twp
		Upper Pittsgrove Twp
	<i>Cape May Tributaries</i>	
	Cape May	Dennis Twp
		Lower Twp
		Middle Twp
		Upper Twp
	<i>Cohansey River Greenway</i>	
	Cumberland	Bridgeton City
		Fairfield Twp
		Greenwich Twp
		Hopewell Twp
		Lawrence Twp
		Shiloh Boro
		Upper Deerfield Twp
	Salem	Alloway Twp
	<i>Dividing/ Nantuxent/ Cedar/ Back Creeks Greenway</i>	
	Cumberland	Commercial Twp
		Downe Twp
		Fairfield Twp
		Lawrence Twp
	<i>Maurice River Greenway</i>	
	Atlantic	Buena Boro
		Buena Vista Twp
	Cape May	Dennis Twp

	Cumberland	Commercial Twp Deerfield Twp Maurice River Twp Millville City Vineland City	
	Gloucester	Clayton Boro Elk Twp Franklin Twp Glassboro Boro Monroe Twp Newfield Boro	
	Salem	Elmer Boro Pittsgrove Twp Upper Pittsgrove Twp	
	<i>Salem River/ Mannington Greenway</i>		
	Salem	Carneys Point Twp Elsinboro Twp Mannington Twp Oldmans Twp Pennsville Twp Pilesgrove Twp Upper Pittsgrove Twp Woodstown Boro	
	<i>Stow Creek Greenway</i>		
	Cumberland	Greenwich Twp Stow Creek Twp	
	Salem	Alloway Twp Lower Alloways Creek Twp Quinton Twp	
(5) HIGHLANDS GREENWAY			15,000,000
	Bergen	Mahwah Twp Oakland Boro	
	Hunterdon	Alexandria Twp Bethlehem Twp Bloomsbury Boro Califon Boro Clinton Town Clinton Twp Glen Gardner Boro Hampton Boro High Bridge Boro Holland Twp Lebanon Boro	

Morris	Lebanon Twp
	Milford Boro
	Tewksbury Twp
	Union Twp
	Boonton Town
	Boonton Twp
	Butler Boro
	Chester Boro
	Chester Twp
	Denville Twp
	Dover Town
	Hanover Twp
	Harding Twp
	Jefferson Twp
	Kinnelon Boro
	Mendham Boro
	Mendham Twp
	Mine Hill Twp
	Montville Twp
	Morris Plains Boro
	Morris Twp
	Morristown Town
	Mount Arlington Boro
	Mount Olive Twp
	Mountain Lakes Boro
	Netcong Boro
	Parsippany-Troy Hills Twp
	Pequannock Twp
	Randolph Twp
	Riverdale Boro
	Rockaway Boro
	Rockaway Twp
	Roxbury Twp
	Victory Gardens Boro
	Washington Twp
	Wharton Boro
Passaic	Bloomington Boro
	Pompton Lakes Boro
	Ringwood Boro
	Wanaque Boro
Somerset	West Milford Twp
	Bedminster Twp
	Bernards Twp
	Bernardsville Boro

		Far Hills Boro	
		Peapack-Gladstone Boro	
	Sussex	Byram Twp	
		Franklin Boro	
		Green Twp	
		Hamburg Boro	
		Hardyston Twp	
		Hopatcong Boro	
		Ogdensburg Boro	
		Sparta Twp	
		Stanhope Boro	
	Warren	Vernon Twp	
		Allamuchy Twp	
		Alpha Boro	
		Belvidere Town	
		Franklin Twp	
		Frelinghuysen Twp	
		Greenwich Twp	
		Hackettstown Town	
		Harmony Twp	
		Hope Twp	
		Independence Twp	
		Liberty Twp	
		Lopatcong Twp	
		Mansfield Twp	
		Oxford Twp	
		Phillipsburg Town	
		Pohatcong Twp	
		Washington Boro	
		Washington Twp	
		White Twp	
(6) NATURAL AREAS			3,000,000
<i>Bill Henry Pond</i>			
	Atlantic	Egg Harbor Twp	
<i>Budd Lake Bog</i>			
	Morris	Mount Olive Twp	
<i>Campus Swamp</i>			
	Camden	Gloucester Twp	
<i>Cheesequake State Park</i>			
	Middlesex	Old Bridge Twp	
<i>Crossley Preserve</i>			
	Ocean	Berkeley Twp	
		Manchester Twp	

<i>Five Acre Pond</i>	Atlantic	Estell Manor City
<i>Gravel Hill</i>	Hunterdon	Holland Twp
<i>Great Piece Meadows/ Troy Meadows</i>	Essex	Fairfield Twp Roseland Boro West Caldwell Twp
	Morris	East Hanover Twp Hanover Twp Lincoln Park Boro Montville Twp Parsippany-Troy Hills Twp Pequannock Twp Wayne Twp
	Passaic	
<i>Hamburg Mountain</i>	Sussex	Franklin Boro Hamburg Boro Hardyston Twp Vernon Twp
<i>Hidden Lake</i>	Camden	Gloucester Twp
<i>High Mountain</i>	Passaic	North Haledon Boro Wayne Twp
<i>Limestone Ridge</i>	Warren	Blairstown Twp
<i>Long-A-Coming Branch</i>	Camden	Winslow Twp
<i>Milford Bluffs</i>	Hunterdon	Holland Twp
<i>Mountain Lake Bog</i>	Warren	White Twp
<i>Ogdensburg Fen</i>	Sussex	Ogdensburg Boro
<i>Oswego River Natural Area</i>	Burlington	Washington Twp
<i>Phone-In-Fen</i>	Warren	Hardwick Twp
<i>Ramapo Lake Natural Area</i>	Bergen	Oakland Boro
	Passaic	Ringwood Boro Wanaque Boro

<i>Ramapo Mountain</i>		
	Bergen	Mahwah Twp Oakland Boro
	Passaic	Pompton Lakes Boro Ringwood Boro Wanaque Boro
<i>Sourland Mountains</i>		
	Hunterdon	East Amwell Twp West Amwell Twp
	Mercer	Hopewell Twp
	Somerset	Hillsborough Twp Montgomery Twp
<i>Strawberry Hill</i>		
	Mercer	Hopewell Twp
<i>Sunfish Pond</i>		
	Warren	Hardwick Twp
<i>Sweet Hollow</i>		
	Hunterdon	Alexandria Twp Holland Twp
<i>Troy Meadows</i>		
	Morris	Parsippany-Troy Hills Twp
<i>Uttertown Bog</i>		
	Passaic	West Milford Twp
<i>Washington Crossing State Park</i>		
	Mercer	Hopewell Twp
<i>Wetlands Habitat/ Bog Turtle</i>		
	Sussex	Frankford Twp Wantage Twp
<i>Whale Pond</i>		
	Monmouth	Ocean Twp
<i>Woodbine Bogs</i>		
	Cape May	Upper Twp
(7) NON-PROFIT CAMPS		1,000,000
<i>Youth Camps</i>		
	Bergen	Mahwah Twp
	Burlington	Evesham Twp Medford Twp Tabernacle Twp
	Cumberland	Greenwich Twp Hopewell Twp
	Gloucester	Franklin Twp
	Hunterdon	East Amwell Twp Readington Twp

	Monmouth	Wall Twp	
	Morris	Kinnelon Boro	
		Rockaway Boro	
	Ocean	Ocean Twp	
	Passaic	Ringwood Boro	
		West Milford Twp	
	Salem	Alloway Twp	
		Upper Pittsgrove Twp	
	Somerset	Franklin Twp	
	Sussex	Byram Twp	
		Hampton Twp	
		Sandyston Twp	
		Sparta Twp	
		Stillwater Twp	
		Vernon Twp	
		Wantage Twp	
	Warren	Frelinghuysen Twp	
		Hardwick Twp	
		Independence Twp	
		Mansfield Twp	
(8) PINELANDS			5,000,000
	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		3,000,000
Sussex	Andover Boro	
	Andover Twp	
	Branchville Boro	
	Frankford Twp	
	Fredon Twp	
	Green Twp	
	Hampton Twp	
	Lafayette Twp	

	Warren	Montague Twp Newton Town Sandyston Twp Stillwater Twp Sussex Boro Walpack Twp Wantage Twp Blairstown Twp Frelinghuysen Twp Hackettstown Town Hardwick Twp Hope Twp Knowlton Twp Liberty Twp	
(10) URBAN PARKS			3,000,000
	Bergen	Edgewater Boro	
	Camden	Camden City	
	Essex	Belleville Twp	
		Bloomfield Twp	
		Caldwell Boro	
		Cedar Grove Twp	
		East Orange City	
		Glen Ridge Twp Boro	
		Irvington Twp	
		Maplewood Twp	
		Montclair Twp	
		Newark City	
		Nutley Twp	
		Orange City Twp	
		South Orange Village Twp	
		West Orange Twp	
	Hudson	Bayonne City	
		East Newark Boro	
		Guttenberg Town	
		Harrison Town	
		Hoboken City	
		Jersey City	
		Kearny Town	
		North Bergen Twp	
		Union City	
		Weehawken Twp	
		West New York Town	
	Mercer	Trenton City	

Middlesex	Edison Twp	
Monmouth	Long Branch City	
Passaic	Paterson City	
	Totowa Boro	
Union	Elizabeth City	
	Fanwood Boro	
	Garwood Boro	
	Hillside Twp	
	Linden City	
	Plainfield City	
	Rahway City	
	Roselle Boro	
	Roselle Park Boro	
	Union Twp	
	Winfield Twp	
TOTAL		\$45,000,000

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

d. To the extent that moneys remain available after the projects listed in subsection b. of this section are offered funding pursuant thereto, any State project that previously received funding appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund, established pursuant to the "Garden State Preservation Trust Act," P.L.1999, c.152 (C.13:8C-1 et seq.), for recreation and conservation purposes shall be eligible to receive additional funding, as determined by the Department of Environmental Protection, subject to the approval of the Joint Budget Oversight Committee or its successor.

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

2. a. There is appropriated to the Department of Environmental Protection from the "2009 Blue Acres Fund" established pursuant to section 19 of the "Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009," P.L.2009, c.117, the sum of \$12,000,000, for the acquisition, for recreation and conservation purposes, of lands that have been damaged by, or may be prone to incurring damage caused by, storms or storm-related flooding, or that may buffer or protect other lands from such damage, as follows:

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

Camden	Audubon Boro
	Audubon Park Boro
	Barrington Boro
	Bellmawr Boro
	Berlin Boro
	Berlin Twp
	Brooklawn Boro
	Camden City
	Cherry Hill Twp
	Clementon Boro
	Collingswood Boro
	Gibbsboro Boro
	Gloucester City
	Gloucester Twp
	Haddon Heights Boro
	Haddon Twp
	Haddonfield Boro
	Hi-Nella Boro
	Laurel Springs Boro
	Lawnside Boro
	Lindenwold Boro
	Magnolia Boro
	Merchantville Boro
	Mount Ephraim Boro
	Oaklyn Boro
	Pennsauken Twp
	Pine Hill Boro
	Pine Valley Boro
	Runnemede Boro
	Somerdale Boro
	Stratford Boro
	Tavistock Boro
	Voorhees Twp
	Winslow Twp
	Woodlynne Boro
Cape May	Cape May Point Boro
	Dennis Twp
	Lower Twp
	Middle Twp
	West Cape May Boro
Cumberland	Woodbine Boro
	Bridgeton City
	Commercial Twp
	Deerfield Twp

	Downe Twp
	Fairfield Twp
	Greenwich Twp
	Hopewell Twp
	Lawrence Twp
	Maurice River Twp
	Millville City
	Shiloh Boro
	Stow Creek Twp
	Upper Deerfield Twp
	Vineland City
Gloucester	Clayton Boro
	Deptford Twp
	East Greenwich Twp
	Elk Twp
	Franklin Twp
	Glassboro Boro
	Greenwich Twp
	Harrison Twp
	Logan Twp
	Mantua Twp
	Monroe Twp
	National Park Boro
	Newfield Boro
	Paulsboro Boro
	Pitman Boro
	South Harrison Twp
	Swedesboro Boro
	Washington Twp
	Wenonah Boro
	West Deptford Twp
	Westville Boro
	Woodbury City
	Woodbury Heights Boro
	Woolwich Twp
Hunterdon	Alexandria Twp
	Bethlehem Twp
	Bloomsbury Boro
	Delaware Twp
	East Amwell Twp
	Franklin Twp
	Frenchtown Boro
	Glen Gardner Boro
	Hampton Boro

	Holland Twp
	Kingwood Twp
	Lambertville City
	Lebanon Twp
	Milford Boro
	Raritan Twp
	Stockton Boro
	Union Twp
	West Amwell Twp
Mercer	East Windsor Twp
	Ewing Twp
	Hamilton Twp
	Hopewell Twp
	Lawrence Twp
	Pennington Boro
	Robbinsville Twp
	Trenton City
	West Windsor Twp
Monmouth	Allenhurst Boro
	Middletown Twp
	Rumson Boro
	Upper Freehold Twp
Morris	Jefferson Twp
	Mount Arlington Boro
	Mount Olive Twp
	Netcong Boro
	Roxbury Twp
	Washington Twp
Ocean	Island Heights Boro
	Jackson Twp
	Long Beach Twp
	Pine Beach Boro
Salem	Alloway Twp
	Carneys Point Twp
	Elmer Boro
	Elsinboro Twp
	Lower Alloways Creek Twp
	Mannington Twp
	Oldmans Twp
	Penns Grove Boro
	Pennsville Twp
	Pilesgrove Twp
	Pittsgrove Twp
	Quinton Twp

	Salem City
	Upper Pittsgrove Twp
	Woodstown Boro
Sussex	Andover Boro
	Andover Twp
	Branchville Boro
	Byram Twp
	Frankford Twp
	Fredon Twp
	Green Twp
	Hampton Twp
	Hardyston Twp
	Hopatcong Boro
	Lafayette Twp
	Montague Twp
	Newton Town
	Sandyston Twp
	Sparta Twp
	Stanhope Boro
	Stillwater Twp
	Walpack Twp
	Wantage Twp
Warren	Allamuchy Twp
	Alpha Boro
	Belvidere Town
	Blairstown Twp
	Franklin Twp
	Frelinghuysen Twp
	Greenwich Twp
	Hackettstown Town
	Hardwick Twp
	Harmony Twp
	Hope Twp
	Independence Twp
	Knowlton Twp
	Liberty Twp
	Lopatcong Twp
	Mansfield Twp
	Oxford Twp
	Phillipsburg Town
	Pohatcong Twp
	Washington Boro
	Washington Twp
	White Twp

Passaic River Acquisitions

Bergen

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

Essex

Belleville Twp
Bloomfield Twp
Caldwell Boro
Cedar Grove Twp
East Orange City
Essex Fells Twp
Fairfield Twp
Glen Ridge Twp Boro

	Livingston Twp
	Millburn Twp
	Montclair Twp
	Newark City
	North Caldwell Twp
	Nutley Twp
	Orange City Twp
	Roseland Boro
	South Orange Village Twp
	Verona Twp
	West Caldwell Twp
	West Orange Twp
Hudson	East Newark Boro
	Harrison Town
	Kearny Town
Morris	Boonton Town
	Boonton Twp
	Butler Boro
	Chatham Boro
	Chatham Twp
	Denville Twp
	Dover Town
	East Hanover Twp
	Florham Park Boro
	Hanover Twp
	Harding Twp
	Jefferson Twp
	Kinnelon Boro
	Lincoln Park Boro
	Long Hill Twp
	Madison Boro
	Mendham Boro
	Mendham Twp
	Mine Hill Twp
	Montville Twp
	Morris Plains Boro
	Morris Twp
	Morristown Town
	Mount Arlington Boro
	Mountain Lakes Boro
	Parsippany-Troy Hills Twp
	Pequannock Twp
	Randolph Twp
	Riverdale Boro

	Rockaway Boro
	Rockaway Twp
	Roxbury Twp
	Victory Gardens Boro
	Wharton Boro
Passaic	Bloomington Boro
	Clifton City
	Haledon Boro
	Hawthorne Boro
	Little Falls Twp
	North Haledon Boro
	Passaic City
	Paterson City
	Pompton Lakes Boro
	Prospect Park Boro
	Ringwood Boro
	Totowa Boro
	Wanaque Boro
	Wayne Twp
	West Milford Twp
	Woodland Park Boro
Somerset	Bernards Twp
	Bernardsville Boro
	Bridgewater Twp
	Far Hills Boro
	Warren Twp
Sussex	Hardyston Twp
	Sparta Twp
	Vernon Twp
Union	Berkeley Heights Twp
	New Providence Boro
	Summit City
<i>Raritan River Acquisitions</i>	
Hunterdon	Alexandria Twp
	Bethlehem Twp
	Califon Boro
	Clinton Town
	Clinton Twp
	Delaware Twp
	East Amwell Twp
	Flemington Boro
	Franklin Twp
	Glen Gardner Boro
	Hampton Boro

	High Bridge Boro
	Lebanon Boro
	Lebanon Twp
	Raritan Twp
	Readington Twp
	Tewksbury Twp
	Union Twp
	West Amwell Twp
Mercer	East Windsor Twp
	Hightstown Boro
	Hopewell Boro
	Hopewell Twp
	Lawrence Twp
	Pennington Boro
	Princeton Boro
	Princeton Twp
	Robbinsville Twp
	West Windsor Twp
Middlesex	Cranbury Twp
	Dunellen Boro
	East Brunswick Twp
	Edison Twp
	Helmetta Boro
	Highland Park Boro
	Jamesburg Boro
	Metuchen Boro
	Middlesex Boro
	Milltown Boro
	Monroe Twp
	New Brunswick City
	North Brunswick Twp
	Old Bridge Twp
	Perth Amboy City
	Piscataway Twp
	Plainsboro Twp
	Sayreville Boro
	South Amboy City
	South Brunswick Twp
	South Plainfield Boro
	South River Boro
	Spotswood Boro
	Woodbridge Twp
Monmouth	Eatontown Boro
	Farmingdale Boro

Morris	Freehold Boro
	Loch Arbour Village
	Manalapan Twp
	Middletown Twp
	Rumson Boro
	Chester Boro
	Chester Twp
	Mendham Boro
	Mendham Twp
	Mine Hill Twp
	Mount Arlington Boro
	Mount Olive Twp
	Randolph Twp
	Roxbury Twp
	Washington Twp
Somerset	Bedminster Twp
	Bernards Twp
	Bernardsville Boro
	Bound Brook Boro
	Branchburg Twp
	Bridgewater Twp
	Far Hills Boro
	Franklin Twp
	Green Brook Twp
	Hillsborough Twp
	Manville Boro
	Millstone Boro
	Montgomery Twp
	North Plainfield Boro
	Peapack-Gladstone Boro
Union	Raritan Boro
	Rocky Hill Boro
	Somerville Boro
	South Bound Brook Boro
	Warren Twp
	Watchung Boro
	Berkeley Heights Twp
	Fanwood Boro
	Mountainside Boro
	New Providence Boro
	Plainfield City
	Scotch Plains Twp
	Springfield Twp
	Summit City

	Westfield Town
<i>Atlantic Basin / Hudson River / Rahway Basin</i>	
Atlantic	Absecon City
	Atlantic City
	Brigantine City
	Corbin City
	Egg Harbor City
	Egg Harbor Twp
	Estell Manor City
	Folsom Boro
	Galloway Twp
	Hamilton Twp
	Hammonton Town
	Linwood City
	Longport Boro
	Margate City
	Mullica Twp
	Northfield City
	Pleasantville City
	Port Republic City
	Somers Point City
	Ventnor City
	Weymouth Twp
Bergen	Alpine Boro
	Bergenfield Boro
	Bogota Boro
	Cliffside Park Boro
	Closter Boro
	Cresskill Boro
	Demarest Boro
	Dumont Boro
	Edgewater Boro
	Emerson Boro
	Englewood City
	Englewood Cliffs Boro
	Fairview Boro
	Fort Lee Boro
	Harrington Park Boro
	Haworth Boro
	Leonia Boro
	Little Ferry Boro
	Moonachie Boro
	New Milford Boro
	Northvale Boro

	Norwood Boro
	Old Tappan Boro
	Oradell Boro
	Palisades Park Boro
	Park Ridge Boro
	Ridgefield Boro
	Ridgefield Park Village
	River Edge Boro
	River Vale Twp
	Rockleigh Boro
	South Hackensack Twp
	Teaneck Twp
	Tenafly Boro
	Teterboro Boro
	Westwood Boro
Burlington	Bass River Twp
	Washington Twp
Camden	Chesilhurst Boro
	Waterford Twp
Cape May	Avalon Boro
	Cape May City
	North Wildwood City
	Ocean City
	Sea Isle City
	Stone Harbor Boro
	Upper Twp
	West Wildwood Boro
	Wildwood City
	Wildwood Crest Boro
Cumberland	Downe Twp
Essex	Irvington Twp
	Maplewood Twp
Hudson	Bayonne City
	Guttenburg Town
	Hoboken City
	Jersey City
	North Bergen Twp
	Secaucus Town
	Union City
	Weehawken Twp
	West New York Town
Middlesex	Carteret Boro
Monmouth	Aberdeen Twp
	Allentown Boro

	Asbury Park City
	Atlantic Highlands Boro
	Avon-By-The-Sea Boro
	Belmar Boro
	Bradley Beach Boro
	Brielle Boro
	Colts Neck Twp
	Deal Boro
	Englishtown Boro
	Fair Haven Boro
	Freehold Twp
	Hazlet Twp
	Highlands Boro
	Holmdel Twp
	Howell Twp
	Interlaken Boro
	Keansburg Boro
	Keyport Boro
	Lake Como Boro
	Little Silver Boro
	Long Branch City
	Manasquan Boro
	Marlboro Twp
	Matawan Boro
	Millstone Twp
	Monmouth Beach Boro
	Neptune Twp
	Neptune City Boro
	Ocean Twp
	Oceanport Boro
	Red Bank Boro
	Roosevelt Boro
	Sea Bright Boro
	Sea Girt Boro
	Shrewsbury Boro
	Shrewsbury Twp
	Spring Lake Boro
	Spring Lake Heights Boro
	Tinton Falls Boro
	Union Beach Boro
	Wall Twp
	West Long Branch Boro
Ocean	Barnegat Light Boro
	Barnegat Twp

	Bay Head Boro	
	Beach Haven Boro	
	Beachwood Boro	
	Berkeley Twp	
	Brick Twp	
	Eagleswood Twp	
	Harvey Cedars Boro	
	Lacey Twp	
	Lakehurst Boro	
	Lakewood Twp	
	Lavellette Boro	
	Little Egg Harbor Twp	
	Manchester Twp	
	Mantoloking Boro	
	Ocean Gate Boro	
	Ocean Twp	
	Plumstead Twp	
	Point Pleasant Boro	
	Point Pleasant Beach Boro	
	Seaside Heights Boro	
	Seaside Park Boro	
	Ship Bottom Boro	
	South Toms River Boro	
	Stafford Twp	
	Surf City Boro	
	Toms River Twp	
	Tuckerton Boro	
Sussex	Franklin Boro	
	Hamburg Boro	
	Ogdensburg Boro	
	Sussex Boro	
Union	Clark Twp	
	Cranford Twp	
	Elizabeth City	
	Garwood Boro	
	Hillside Twp	
	Kenilworth Boro	
	Linden City	
	Rahway City	
	Roselle Boro	
	Roselle Park Boro	
	Union Twp	
	Winfield Twp	
TOTAL		\$12,000,000

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

3. a. There is reappropriated to the Department of Environmental Protection the unexpended balances, due to project cancellations or cost savings, of the amounts appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund, established pursuant to the "Garden State Preservation Trust Act," P.L.1999, c.152 (C.13:8C-1 et seq.), for State projects to acquire or develop lands for recreation and conservation purposes, for the purpose of providing additional funding, as determined by the Department of Environmental Protection, to any State project that previously received funding appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund for recreation and conservation purposes or that receives funding approved pursuant to section 1 of this act, subject to the approval of the Joint Budget Oversight Committee or its successor. Any such additional funding provided from a Green Acres bond act may include administrative costs.

b. There is appropriated to the Department of Environmental Protection such sums as may be, or may become, available on or before June 30, 2011, due to interest earnings in any Green Acres Fund established pursuant to a Green Acres bond act or in the Garden State Green Acres Preservation Trust Fund, for the purpose of providing additional funding, as determined by the Department of Environmental Protection, to any State project that previously received funding from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund for recreation and conservation purposes or that receives funding 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.

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

4. This act shall take effect immediately.

Approved August 3, 2011.

CHAPTER 93

AN ACT appropriating moneys to the Department of Environmental Protection for the purpose of making grants, zero interest loans, or principal forgiveness loans to project sponsors to finance a portion of the costs of environmental infrastructure projects.

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

1. a. (1) There is appropriated to the Department of Environmental Protection from the "Clean Water State Revolving Fund" established pursuant to section 1 of P.L.2009, c.77, an amount equal to the federal fiscal year 2011 capitalization grant made available to the State for clean water project loans pursuant to the "Water Quality Act of 1987" (33 U.S.C.s.1251 et seq.), and any amendatory and supplementary acts thereto (hereinafter referred to as the "Federal Clean Water Act").

(2) There is appropriated to the Department of Environmental Protection from the "Interim Financing Program Fund" created and established by the New Jersey Environmental Infrastructure Trust pursuant to subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9) such amounts as may be necessary to supplement the sums appropriated from the Clean Water State Revolving Fund for the purposes of clean water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(3) There is appropriated to the Department of Environmental Protection from the Drinking Water State Revolving Fund established pursuant to section 1 of P.L.1998, c.84 an amount equal to the Federal fiscal year 2011 capitalization grant made available to the State for drinking water projects pursuant to the "Safe Drinking Water Act Amendments of 1996," Pub.L.104-182, and any amendatory and supplementary acts thereto (hereinafter referred to as the "Federal Safe Drinking Water Act").

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

The Department of Environmental Protection is authorized to transfer from the Drinking Water State Revolving Fund to the Clean Water State Revolving Fund an amount up to the maximum amount authorized to be transferred pursuant to the Federal Clean Water Act to meet present and future needs for the financing of eligible clean water projects, and an amount equal to said maximum amount is hereby appropriated to the department for those purposes.

(4) There is appropriated to the Department of Environmental Protection the unappropriated balances from the "Clean Water State Revolving Fund" and any repayments of loans and interest therefrom, for the purposes of clean water project loans and providing the State match as available on or before June 30, 2012, as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(5) There is appropriated to the Department of Environmental Protection the unappropriated balances from the "Wastewater Treatment Fund" established pursuant to section 15 of the "Wastewater Treatment Bond Act of 1985" (P.L.1985, c.329), and any repayments of loans and interest therefrom, as available on or before June 30, 2012, for the purposes of clean water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(6) There is appropriated to the Department of Environmental Protection the unappropriated balances from the "1992 Wastewater Treatment Fund" established pursuant to section 27 of the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992" (P.L.1992, c.88), and any repayments of loans and interest therefrom, as available on or before June 30, 2012, for the purposes of clean water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(7) There is appropriated to the Department of Environmental Protection the unappropriated balances from the "2003 Water Resources and Wastewater Treatment Fund" established pursuant to subsection a. of section 19 of the "Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003" (P.L.2003, c.162), and any repayments of loans and interest therefrom, as available on or before June 30, 2012, for the purposes of clean water project loans and providing the State match as required or will be required for the award of the capitali-

zation grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(8) There is appropriated to the Department of Environmental Protection the unappropriated balances from the Drinking Water State Revolving Fund for the purposes of drinking water project loans and any repayments of loans and interest therefrom, that are or may become available on or before June 30, 2012.

(9) There is appropriated to the Department of Environmental Protection such sums as may be needed from loan repayments and interest earnings from the "Water Supply Fund" for the "Drinking Water State Revolving Fund (DWSRF) Match Accounts" contained within such fund for the purpose of providing the State match as required or will be required for the award of the capitalization grants made available to the State for drinking water projects pursuant to the Federal Safe Drinking Water Act.

(10) There is appropriated to the Department of Environmental Protection from the "Interim Financing Program Fund" created and established by the New Jersey Environmental Infrastructure Trust pursuant to subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9) such amounts as may be or become available on or before June 30, 2012, and any repayments of loans and interest therefrom, as may be necessary to supplement the sums appropriated from the Drinking Water State Revolving Fund for the purposes of drinking water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Safe Drinking Water Act.

(11) There is appropriated to the Department of Environmental Protection such sums as may be or become available on or before June 30, 2012, as repayments of drinking water project loans and any interest therefrom from the "Water Supply Fund" established pursuant to section 14 of the "Water Supply Bond Act of 1981" (P.L.1981, c.261) for the purposes of drinking water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for drinking water projects pursuant to the Federal Safe Drinking Water Act.

(12) Of the sums appropriated to the Department of Environmental Protection from the "Water Supply Fund" pursuant to P.L.1999, c.174, P.L.2001, c.222, P.L.2002, c.70 and P.L.2003, c.158, the department is authorized to transfer any unexpended balances and any repayments of loans and interest therefrom as may be or become available on or before June 30, 2012, in such amounts as needed to the Drinking Water State Revolving Fund accounts contained within the Water Supply Fund established for the purposes of providing drinking water project loans and providing the State match as

required or will be required for the award of the capitalization grants made available to the State for drinking water projects pursuant to the Federal Safe Drinking Water Act.

(13) Of the sums appropriated to the Department of Environmental Protection from the "1992 Wastewater Treatment Fund" pursuant to P.L.1996, c.85, P.L.1997, c.221, P.L.1998, c.84, P.L.1999, c.174, P.L.2000, c.92, P.L.2001, c.222 and P.L.2002, c.70, the department is authorized to transfer any unexpended balances and any repayments of loans and interest therefrom as may be or become available on or before June 30, 2012, in such amounts as needed to the Clean Water State Revolving Fund accounts contained within the 1992 Wastewater Treatment Fund for the purposes of providing clean water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(14) Of the sums appropriated to the Department of Environmental Protection from the "2003 Water Resources and Wastewater Treatment Fund" pursuant to P.L.2004, c.109, and P.L.2007, c.139, the department is authorized to transfer any unexpended balances and any repayments of loans and interest therefrom as may be or become available on or before June 30, 2012, in such amounts as needed to the Clean Water State Revolving Fund accounts contained within the 2003 Water Resources and Wastewater Treatment Fund for the purposes of providing clean water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(15) There is appropriated to the Department of Environmental Protection the sums deposited by the New Jersey Environmental Infrastructure Trust into the "Clean Water State Revolving Fund," the "Wastewater Treatment Fund," the "1992 Wastewater Treatment Fund," the "Water Supply Fund," the "Stormwater Management and Combined Sewer Overflow Abatement Fund," the "2003 Water Resources and Wastewater Treatment Fund" and the Drinking Water State Revolving Fund, as appropriate, pursuant to paragraph (6) of subsection c. of section 1 of P.L.2011, c.94, as available on or before June 30, 2012, for the purposes of providing clean water project loans and drinking water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act and drinking water projects pursuant to the Federal Safe Drinking Water Act.

Any such amounts shall be for the purpose of making zero interest and principal forgiveness financing loans, to the extent sufficient funds are available, to or on behalf of local government units or public water utilities (hereinafter referred to as "project sponsors") to finance a portion of the cost of construction of clean water projects and drinking water projects listed in sections 2 and 3 of this act, and for the purpose of implementing and administering the provisions of this act, to the extent permitted by the Federal Clean Water Act, and any amendatory and supplementary acts thereto, the "Clean Water State Revolving Fund Act" (P.L.2009, c.77 and any amendatory and supplementary acts thereto), the "Wastewater Treatment Bond Act of 1985" (P.L.1985, c.329), the "Water Supply Bond Act of 1981" (P.L.1981, c.261), the "Stormwater Management and Combined Sewer Overflow Abatement Bond Act of 1989" (P.L.1989, c.181), the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992" (P.L.1992, c.88), the "Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003" (P.L.2003, c.162), the Federal Safe Drinking Water Act, and any amendatory and supplementary acts thereto, and State law.

b. The department is authorized to make zero interest 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 subsections a. and b. of section 3, of this act for clean water projects, up to the individual amounts indicated and in the priority stated, provided:

(1) a maximum of \$17 million shall be issued to Barnegat Bay Watershed storm water improvement projects as provided in subsection a. of section 3 of this act, addressing projects in the priority stated to the extent there are sufficient eligible project applications, wherein principal forgiveness shall not exceed 100 percent of the fund loan amount per project sponsor.

Of the \$17 million: (a) \$1 million shall be made available as principal forgiveness loans to purchase storm water maintenance equipment which shall be limited to a maximum principal forgiveness loan of up to \$250,000, except that any such amounts may be reduced if a project fails to meet the requirements of section 4 or 5 of this act or by the Commissioner of Environmental Protection pursuant to section 6 of this act;

(b) \$11 million shall be made available for the highest ranked non-equipment projects in ranked order as 100% principal forgiveness loans, except that any such amounts may be reduced if a project fails to meet the requirements of section 4 or 5 of this act or by the Commissioner of Environmental Protection pursuant to section 6 of this act; and

(c) \$5 million shall be made available as 25% principal forgiveness loans for the remaining highest ranked non-equipment projects in ranked order, except that any such amounts may be reduced if a project fails to meet the requirements of section 4 or 5 of this act or by the Commissioner of Environmental Protection pursuant to section 6 of this act;

(2) a minimum of 20 percent of the 2011 Clean Water State Revolving Fund capitalization grant shall be issued to projects in subsection b. of section 3 of this act addressing green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities allocated to projects in the priority stated, to the extent there are sufficient eligible project applications; and

(3) principal forgiveness loans shall not exceed 30 percent of the amount of the 2011 Clean Water State Revolving Fund capitalization grant, wherein principal forgiveness shall not exceed the lesser of 20 percent or \$2 million of the combined trust loan amount and fund loan amount per project sponsor and allocated to projects in subsection b. of section 3 of this act in the priority stated, and except that any such amount may be reduced if a project fails to meet the requirements of section 4 or 5 of this act, or by the Commissioner of Environmental Protection pursuant to section 6 of this act.

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 2 and subsection c. of section 3 of this act for drinking water projects, up to the individual amounts indicated and in the priority stated, provided: (1) a minimum of 20 percent of the 2011 Drinking Water State Revolving Fund capitalization grant shall be issued to projects in subsection c. of section 3 of this act addressing green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities allocated to projects in the priority stated, to the extent there are sufficient eligible project applications; and (2) a minimum of 30 percent of the 2011 Drinking Water State Revolving Fund capitalization grant shall be issued to projects for principal forgiveness financing loans, wherein principal forgiveness to other than drinking water systems servicing fewer than 500 residents shall not exceed the lesser of 20 percent or \$2.5 million of the combined trust loan amount and fund loan amount per project sponsor and allocated to projects in subsection c. of section 3 of this act in the priority stated or wherein principal forgiveness to drinking water systems servicing fewer than 500 residents shall not exceed the lesser of 50 percent or \$5 million of the combined trust loan amount and fund loan amount per project sponsor and allocated to projects in subsection c. of section 3 of this act in the priority

stated, and except that any such amount may be reduced if a project fails to meet the requirements of section 4 or section 5 of this act, or by the Commissioner of Environmental Protection pursuant to section 6 of this act.

d. The department is authorized to make zero interest and principal forgiveness financing loans to or on behalf of the project sponsors for the environmental infrastructure projects listed in sections 2 and 3 of this act under the same terms, conditions and requirements as set forth in this section from any unexpended balances of the amounts appropriated pursuant to section 1 of P.L.1987, c.200, section 2 of P.L.1988, c.133, section 1 of P.L.1989, c.189, section 1 of P.L.1990, c.99, section 1 of P.L.1991, c.325, section 1 of P.L.1992, c.38, section 1 of P.L.1993, c.193, section 1 of P.L.1994, c.106, section 1 of P.L.1995, c.219, section 1 of P.L.1996, c.85, section 1 of P.L.1997, c.221, section 2 of P.L.1998, c.84, section 2 of P.L.1999, c.174, section 2 of P.L.2000, c.92, sections 1 and 2 of P.L.2001, c.222, sections 1 and 2 of P.L.2002, c.70, sections 1 and 2 of P.L.2003, c.158, sections 1 and 2 of P.L.2004, c.109, sections 1 and 2 of P.L.2005, c.196, sections 1 and 2 of P.L.2006, c.68, sections 1 and 2 of P.L.2007, c.139, sections 1 and 2 of P.L.2008, c.68, sections 1 and 2 of P.L.2009, c.102 and sections 1 and 2 of P.L.2010, c.63, 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 and section 6 of P.L.2010, c.63, 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 2011 and State fiscal year 2012 pursuant to the provisions of section 16 of P.L.1985, c.329, and section 2 of P.L.2010, c.77 and any amendatory and supplementary acts thereto, including any Clean Water State Revolving Fund Accounts contained within the "Wastewater Treatment Fund," and from any repayment of loans and interest from the Drinking Water State Revolving Fund.

2. a. (1) The department is authorized to expend funds for the purpose of making supplemental zero interest loans to or on behalf of the project sponsors listed below for the following clean water environmental infrastructure projects:

Project Sponsor	Project Number	Estimated DEP Loan Amount	Estimated Total Allowable Loan Amount
Bayonne MUA	S340399-30-1	\$686,445	\$915,260
Bergen County UA	S340386-05-1	\$973,907	\$1,298,542
Gloucester County UA	S340902-06-1	\$240,000	\$320,000
Hudson County IA	S340098-01-1	\$2,628,632	\$3,504,842
Jersey City MUA	S340928-06-1	\$1,350,120	\$1,800,160
Newark City	S340815-05-1	\$7,225,725	\$9,634,300
Total:	6	\$13,104,829	\$17,473,104

(2) The loans authorized in this subsection shall be made for the difference between the allowable loan amounts required by these projects based upon final building costs pursuant to section 6 of this act and the loan amounts certified by the Commissioner of Environmental Protection in State fiscal years 2006, 2008, 2010, and 2011, and for increased allowable costs as defined and determined in accordance with the rules and regulations adopted by the department pursuant to section 4 of P.L.1985, c.329. The loans authorized in this subsection shall be made to or on behalf of the project sponsors listed, up to the individual amounts indicated and in the priority stated, to the extent sufficient funds are available, except as a project fails to meet the requirements of section 4 or section 5 of this act.

(3) The zero interest loans for the projects authorized in this subsection shall have priority over projects listed in subsection b. of section 3 of this act.

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

Project Sponsor	Project Number	Estimated DEP Loan Amount	Estimated Total Allowable Loan Amount
Dover Town	1409001-002-1	\$193,234	\$257,645
Lakewood Township MUA	1514002-002/6/7/8/9/10-1	\$1,817,937	\$2,423,916

Ocean Township	1520001-001-1	\$225,330	\$300,440
Total:	3	\$2,236,501	\$2,982,001

(2) The loans authorized in this subsection shall be made for the difference between the allowable loan amounts required by these projects based upon final building costs pursuant to section 6 of this act and the loan amounts certified by the Commissioner of Environmental Protection in State fiscal years 2009, 2010, and 2011, and for increased allowable costs as defined and determined in accordance with the rules and regulations adopted by the department pursuant to section 5 of P.L.1981, c.261. The loans authorized in this subsection shall be made to or on behalf of the project sponsors listed, up to the individual amounts indicated and in the priority stated, to the extent sufficient funds are available, except as a project fails to meet the requirements of section 4 or section 5 of this act.

(3) The zero interest loans for the projects authorized in this subsection shall have priority over the environmental infrastructure projects listed in subsection c. of section 3 of this act.

c. The Department of Environmental Protection is authorized to adjust the allowable DEP loan amount for projects authorized in this section to between 25% and 75% of the total allowable loan amount.

3. a. The following environmental infrastructure projects shall be known and may be cited as the "State Fiscal Year 2012 Clean Water Barnegat Bay Watershed Project Priority List":

Project Sponsor	Project Number	Estimated DEP Loan Allowable Amount	Estimated Total Allowable Loan Amount
Equipment			
Bay Head Borough	BBE1	\$250,000	\$250,125
Long Beach Township	BBE2	\$250,000	\$362,500
Point Pleasant Beach Borough	BBE3	\$250,000	\$340,750
Seaside Park Borough	BBE4	\$250,000	\$681,500
Equipment Subtotal: 4		\$1,000,000	\$1,634,875
Non-Equipment			
Stafford Township	BBB1	\$1,450,000	\$1,450,000
Stafford Township	BBB2	\$362,500	\$362,500
Ocean County	BBB3	\$1,054,747	\$1,054,747
Toms River Township	BBB4	\$1,740,000	\$1,740,000
Ocean County	BBB5	\$1,238,254	\$1,238,254

Ocean County	BBB6	\$839,364	\$839,364
Ocean County	BBB7	\$497,320	\$497,320
Manchester Township	BBB8	\$291,495	\$291,495
Manchester Township	BBB9	\$195,477	\$195,477
Ocean County	BBB10	\$434,191	\$434,191
Jackson Township	BBB11	\$1,347,956	\$1,347,956
Howell Township	BBB12	\$1,477,821	\$1,477,821
Howell Township	BBB13	\$1,406,486	\$1,406,486
Howell Township	BBB14	\$583,766	\$583,766
Ocean County	BBB15	\$990,844	\$990,844
Brick Township	BBB16	\$1,061,126	\$1,061,126
Ocean County	BBB17	\$1,653,300	\$1,653,300
Little Egg Harbor Township	BBB18	\$1,341,250	\$1,341,250
Ocean County	BBB19	\$577,358	\$577,358
Ocean County	BBB20	\$1,207,034	\$1,207,034
Howell Township	BBB21	\$883,537	\$883,537
Little Egg Harbor Township	BBB22	\$601,750	\$601,750
Ocean County	BBB23	\$414,483	\$414,483
Ocean County	BBB24	\$440,526	\$440,526
Ocean County	BBB25	\$558,917	\$558,917
Pine Beach Borough	BBB26	\$87,000	\$87,000
Ocean County	BBB27	\$658,370	\$658,370
Ocean County	BBB28	\$398,385	\$398,385
Ocean County	BBB29	\$430,496	\$430,496
Ocean County	BBB30	\$398,385	\$398,385
Ocean County	BBB31	\$616,456	\$616,456
Jackson Township	BBB32	\$582,772	\$582,772
Berkeley Township	BBB33	\$145,000	\$145,000
Little Egg Harbor Township	BBB34	\$540,125	\$540,125
Ocean County	BBB35	\$325,047	\$325,047
Ocean County	BBB36	\$398,385	\$398,385
Ocean County	BBB37	\$549,105	\$549,105
Beachwood Borough	BBB38	\$453,850	\$453,850
Manchester Township	BBB39	\$145,363	\$145,363
Ocean County	BBB40	\$244,918	\$244,918
Jackson Township	BBB41	\$570,031	\$570,031
Ocean County	BBB42	\$411,558	\$411,558
Manchester Township	BBB43	\$125,099	\$125,099
Ocean County	BBB44	\$238,455	\$238,455
Ocean County	BBB45	\$236,621	\$236,621
Ocean County	BBB46	\$270,663	\$270,663
Manchester Township	BBB47	\$36,975	\$36,975
Manchester Township	BBB48	\$39,440	\$39,440
Non-Equipment Subtotal:	48	\$30,552,001	\$30,552,001

Total: 52 \$31,552,001 \$32,186,876

b. The following environmental infrastructure projects shall be known and may be cited as the "State Fiscal Year 2012 Clean Water Project Priority List":

Project Sponsor	Project Number	Estimated DEP Loan Allowable Amount	Estimated Total Allowable Loan Amount
Newark City	S340815-21	\$7,423,500	\$9,898,000
Elizabeth City	S340942-11	\$7,351,500	\$9,802,000
Elizabeth City	S340942-13	\$8,430,000	\$11,240,000
Elizabeth City	S340942-14	\$2,176,500	\$2,902,000
Jersey City MUA	S340928-09	\$1,987,350	\$2,649,800
Ocean County UA	S340372-45	\$3,764,342	\$5,019,123
North Hudson SA	S340952-17	\$1,712,625	\$2,283,500
North Hudson SA	S340952-18	\$405,439	\$540,585
Linden Roselle SA	S340299-07	\$11,098,380	\$14,797,840
Phillipsburg Town	S340874-05	\$1,346,250	\$1,795,000
Frenchtown Borough	S340331-01	\$10,224,375	\$13,632,500
Raritan Township MUA	S340485-05	\$299,063	\$398,750
Bordentown SA	S340219-03	\$1,682,100	\$2,242,800
Clinton Town	S340924-04	\$1,142,250	\$1,523,000
Bergen County UA	S340386-11	\$11,887,500	\$15,850,000
Atlantic County UA	S340809-22	\$1,139,483	\$1,519,311
Rockaway Valley RSA	S340821-05	\$3,711,000	\$4,948,000
Maple Shade Township	S340710-07	\$1,226,250	\$1,635,000
Milltown Borough	S340102-02	\$1,084,817	\$1,446,422
Camden County MUA	S340640-10	\$37,537,500	\$50,050,000
Cape May County MUA	S340661-17	\$289,275	\$385,700
Old Bridge MUA	S340945-10	\$3,641,250	\$4,855,000
Princeton Borough	S340656-07A	\$1,391,234	\$1,854,978
Princeton Township	S340656-07B	\$1,787,414	\$2,383,218
Burlington Township	S340712-09	\$1,033,125	\$1,377,500
Cinnaminson SA	S340170-04	\$1,277,730	\$1,703,640
Ocean Township	S340112-02	\$632,576	\$843,434
Stone Harbor Borough	S340722-04	\$6,355,521	\$8,474,028
Cranford Township	S340858-01	\$707,775	\$943,700
Ocean County UA	S340372-46	\$3,100,829	\$4,134,438
Ocean County UA	S340372-47	\$1,806,413	\$2,408,551
Cape May County MUA	S340661-15	\$349,125	\$465,500
Cape May County MUA	S340661-16	\$199,500	\$266,000

Cape May County MUA	S340661-18	\$498,750	\$665,000
Old Bridge MUA	S340945-11	\$1,616,250	\$2,155,000
Raritan Township MUA	S340485-06	\$875,438	\$1,167,250
Roselle Borough	S340332-01	\$2,141,250	\$2,855,000
Hamilton Township MUA	S340903-03	\$878,220	\$1,170,960
Maywood Borough	S340226-01	\$1,336,756	\$1,782,341
Midland Park Borough	S340227-01	\$519,750	\$693,000
Long Beach Township	S340023-04	\$2,135,835	\$2,847,780
Seaside Park Borough	S340083-02	\$2,849,632	\$3,799,509
Cape May County MUA	S340661-19	\$349,125	\$465,500
Cape May County MUA	S340661-20	\$199,500	\$266,000
Pleasantville City	S340752-01	\$975,919	\$1,301,225
Old Bridge MUA	S340945-08	\$6,730,500	\$8,974,000
NW Bergen County UA	S340700-09	\$4,354,500	\$5,806,000
Willingboro Township	S340132-03	\$2,032,500	\$2,710,000
Newark City	S340815-12	\$13,680,665	\$18,240,886
Atlantic County UA	S340809-18	\$1,665,000	\$2,220,000
Gloucester Township	S340364-07	\$1,185,938	\$1,581,250
Gloucester Township	S340364-08	\$525,975	\$701,300
Berkeley Township	S340969-10	\$528,308	\$704,410
Berkeley Township	S340969-11	\$286,838	\$382,450
Galloway Township	S340892-03	\$95,943	\$127,924
Little Falls Township	S340716-06	\$766,575	\$1,022,100
Mount Holly Township	S340817-05	\$142,463	\$189,950
Linwood City	S340217-01	\$587,970	\$783,960
Linwood City	S340217-02	\$1,469,475	\$1,959,300
Highlands Borough	S340901-03	\$3,218,400	\$4,291,200
Bellmawr Borough	S342011-02	\$7,014,568	\$9,352,757
New Jersey WSA	S343054-08	\$1,579,569	\$2,106,092
New Jersey City U.	S340111-02	\$12,213,716	\$16,284,954
Cape May County MUA	S342017-03	\$6,645,000	\$8,860,000
Cape May County MUA	S340661-21	\$780,000	\$1,040,000
Camden County MUA	S340640-12	\$3,397,500	\$4,530,000
Raritan Township MUA	S340485-08	\$1,202,340	\$1,603,120
Hanover SA	S340388-04	\$5,344,500	\$7,126,000
Stafford Township	S344100-01	\$3,398,438	\$4,531,250
Brick Township	S344030-01	\$795,845	\$1,061,126
Manchester Township	S344070-01	\$625,387	\$833,849
Little Egg Harbor Township	S344060-01	\$2,378,906	\$3,171,875
Hightstown Borough	S340915-03	\$618,765	\$825,020
Lakehurst Borough	S344150-01	\$392,588	\$523,450
Seaside Park Borough	S344200-01	\$511,125	\$681,500
Jackson Township	S344050-01	\$1,875,569	\$2,500,759
Lacey Township	S344140-01	\$245,101	\$326,801

Ocean County	S344080-01	\$12,546,699	\$16,728,932
Toms River Township	S344110-01	\$1,560,563	\$2,080,750
Howell Township	S344040-01	\$3,263,708	\$4,351,610
Berkeley Township	S344020-01	\$380,625	\$507,500
Point Pleasant Borough	S344210-01	\$239,250	\$319,000
Barnegat Township	S344130-01	\$282,750	\$377,000
Beachwood Borough	S344010-01	\$757,444	\$1,009,925
Millstone Township	S344160-01	\$271,875	\$362,500
Point Pleasant Beach Borough	S344190-01	\$255,563	\$340,750
Long Beach Township	S344170-01	\$918,938	\$1,225,250
Ocean Gate Borough	S344180-01	\$1,837,875	\$2,450,500
Pine Beach Borough	S344090-01	\$331,688	\$442,250
Bay Head Borough	S344120-01	\$187,594	\$250,125
Hightstown Borough	S340915-04	\$47,981	\$63,975
Cranford Township	S340858-06	\$707,775	\$943,700
Gloucester County UA	S340902-08	\$922,500	\$1,230,000
Clifton City	S340844-01	\$242,894	\$323,978
Ewing-Lawrence SA	S340391-09	\$1,495,634	\$1,994,178
Montclair Township	S340837-02	\$904,373	\$1,205,830
South Plainfield Borough	S340408-01	\$264,075	\$352,100
Hightstown Borough	S340915-02	\$295,125	\$393,500
Kearny MUA	S340259-09	\$1,641,900	\$2,189,200
Clifton City	S340844-04	\$1,332,017	\$1,776,022
Middletown Township	S340097-01	\$2,767,500	\$3,690,000
Harrington Park Borough	S340223-01	\$283,943	\$378,590
Weehawken Township	S343077-01	\$8,625,000	\$11,500,000
North Bergen MUA	S340652-11	\$1,544,430	\$2,059,240
Total:	104	\$282,778,102	\$377,037,571

c. The following environmental infrastructure projects shall be known and may be cited as the "State Fiscal Year 2012 Drinking Water Project Priority List":

Project Sponsor	Project Number	Estimated DEP Loan Allowable Amount	Estimated Total Allowable Loan Amount
Winslow Township	0436007-007	\$2,819,018	\$3,758,690
Monroe Township	1213002-001	\$3,537,719	\$4,716,959
Pemberton Township	0329004-002	\$162,743	\$216,990
Sea Village Marina	0108021-002	\$816,938	\$1,089,250
Newark City	0714001-016	\$6,688,950	\$8,918,600
Newark City	0714001-017	\$1,056,075	\$1,408,100

Atlantic City MUA	0102001-005	\$6,003,075	\$8,004,100
Aqua New Jersey Inc.	1505002-001	\$604,598	\$806,130
Hammonton Town	0113001-004	\$4,012,957	\$5,350,609
Colonial Estates	0811003-002	\$2,126,315	\$2,835,086
Aqua New Jersey Inc.	2119001-007	\$369,935	\$493,246
Seaside Park Borough	1527001-002	\$3,209,741	\$4,279,654
NJ American Water Co.	0712001-005	\$58,500,000	\$78,000,000
Long Beach Township	1517001-011	\$2,283,755	\$3,045,007
Aqua New Jersey Inc.	0415002-007	\$906,543	\$1,208,724
Westville Borough	0821001-001	\$209,640	\$279,520
Jersey City MUA	0906001-006	\$12,247,500	\$16,330,000
New Jersey City U./Jersey City	0906001-005	\$953,885	\$1,271,847
SE Monmouth MUA	1352005-005	\$6,300,124	\$8,400,165
Hamilton Twp MUA	0112001-002	\$1,087,500	\$1,450,000
Stone Harbor Borough	0510001-005	\$854,490	\$1,139,320
Stone Harbor Borough	0510001-004	\$572,861	\$763,814
Phillipsburg RA	2119001-006	\$2,175,000	\$2,900,000
Woodbury City	0822001-001	\$2,512,500	\$3,350,000
Matawan Borough	1329001-001	\$3,615,000	\$4,820,000
Ocean Township	1520001-003	\$542,150	\$722,866
Westville Borough	0821001-002	\$652,388	\$869,850
Alpha Borough	2102001-001	\$1,727,173	\$2,302,897
Byram HOA	1904009-002	\$189,375	\$252,500
Middlesex Water Co.	1225001-013	\$3,000,000	\$4,000,000
Aberdeen Township	1330002-002	\$1,089,525	\$1,452,700
Byram HOA	1904009-005	\$116,625	\$155,500
Matawan Borough	1329001-002	\$531,000	\$708,000
Washington Twp. MUA	0818004-008	\$693,825	\$925,100
NJ American Water Co.	0323001-002	\$5,314,125	\$7,085,500
Lakehurst Borough	1513001-001	\$54,863	\$73,150
Byram HOA	1904009-004	\$21,000	\$28,000
Westville Borough	0821001-003	\$110,700	\$147,600
Hamilton Township MUA	0112001-001	\$296,250	\$395,000
Byram HOA	1904009-001	\$67,500	\$90,000
Pemberton Township	0329004-003	\$296,250	\$395,000
Ocean Township	1520001-002	\$194,100	\$258,800
Mt. Olive Township	1427015-001	\$726,750	\$969,000
Byram HOA	1904009-003	\$28,875	\$38,500
Nutley Township	0716001-001	\$2,307,394	\$3,076,525
New Jersey WSA	1352005-004	\$3,000,000	\$4,000,000
Egg Harbor City	0107001-002	\$8,050,778	\$10,734,370
Collingswood Borough	0412001-002	\$249,300	\$332,400
Hightstown Borough	1104001-005	\$692,430	\$923,240
Kearny Town	0907001-001	\$704,625	\$939,500

Collingswood Borough	0412001-003	\$623,250	\$831,000
Lakewood Township MUA	1514002-011	\$2,587,221	\$3,449,628
Clinton Town	1005001-003	\$763,730	\$1,018,307
Pompton Lakes MUA	1609001-006	\$1,857,000	\$2,476,000
Clinton Town	1005001-004	\$811,796	\$1,082,394
Boonton Town	1401001-002	\$1,607,000	\$2,142,666
Collingswood Borough	0412001-004	\$789,450	\$1,052,600
Collingswood Borough	0412001-005	\$415,500	\$554,000
Total:	58	\$163,738,810	\$218,318,404

d. The Department of Environmental Protection is authorized to adjust the allowable DEP loan amount for projects authorized in this section to between 25% and 75% of the total allowable loan amount.

4. Any financing loan made by the Department of Environmental Protection pursuant to this act shall be subject to the following requirements:

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

b. The estimated DEP allowable loan amount shall not exceed 75% of the total allowable loan amount of the environmental infrastructure facility for projects listed in subsections a. and b. of section 2 of this act, and in subsections b. and c. of section 3 of this act. The estimated DEP allowable loan amount shall not exceed 100% of the total allowable loan amount of the environmental infrastructure facility for projects listed in subsection a. of section 3 of this act. The loan amount for supplemental loans shall not exceed that percentage of the allowable project cost of the project's initial program loan;

c. The loan shall be repaid within a period not to exceed 23 years of the making of the loan;

d. The loan shall be subject to any other terms and conditions as may be established by the commissioner and approved by the State Treasurer, which may include, notwithstanding any other provision of law to the contrary, subordination of a loan authorized in this act to loans made by the trust pursuant to P.L.2011, c.95, or to administrative fees payable to the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5).

5. The priority lists and authorization for the making of loans pursuant to sections 2 and 3 of this act shall expire on July 1, 2012, and any project sponsor which has not executed and delivered a loan agreement with the

department for a loan authorized in this act shall no longer be entitled to that loan.

6. The Commissioner of Environmental Protection is authorized to reduce or increase the individual amount of loan funds made available to or on behalf of project sponsors pursuant to sections 2 and 3 of this act based upon final or low bid building costs defined in and determined in accordance with rules and regulations adopted by the commissioner pursuant to section 4 of P.L.1985, c.329, section 2 of P.L.1999, c.362 (C.58:12A-12.2) or section 5 of P.L.1981, c.261, provided that the total loan amount does not exceed the original loan amount.

7. The expenditure of the funds appropriated by this act is subject to the provisions and conditions of P.L.1977, c.224, P.L.1985, c.329, P.L.1992, c.88, P.L.1997, c.223, P.L.1997, c.225 or P.L.2003, c.162, and the rules and regulations adopted by the Commissioner of Environmental Protection pursuant thereto, and the provisions of the Federal Clean Water Act or the Federal Safe Drinking Water Act, and any amendatory and supplementary acts thereto, as appropriate.

8. The Department of Environmental Protection shall provide general technical assistance to any project sponsor requesting assistance regarding environmental infrastructure project development or applications for funds for a project.

9. a. Prior to repayment to the Clean Water State Revolving Fund pursuant to sections 1 and 2 of P.L.2009, c.77 and any amendatory and supplementary acts thereto, prior to repayment to the "Wastewater Treatment Fund" pursuant to the provisions of section 16 of P.L.1985, c.329, prior to repayment to the "1992 Wastewater Treatment Fund" pursuant to the provisions of section 28 of P.L.1992, c.88, prior to repayment to the Drinking Water State Revolving Fund, prior to repayment to the "Stormwater Management and Combined Sewer Overflow Abatement Fund" pursuant to the provisions of section 15 of P.L.1989, c.181, prior to repayment to the "2003 Water Resources and Wastewater Treatment Fund" pursuant to the provisions of section 20 of P.L.2003, c.162, or prior to repayment to the "Water Supply Fund" pursuant to the provisions of section 15 of P.L.1981, c.261, repayments of loans made pursuant to these acts may be utilized by the New Jersey Environmental Infrastructure Trust established pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.), as amended and supplemented by P.L.1997, c.224, under terms and conditions established by the commissioner and trust, and approved by the

State Treasurer, and consistent with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) and federal tax, environmental or securities law, to the extent necessary to secure repayment of trust bonds issued to finance loans approved pursuant to P.L.2011, c.95, and to secure the administrative fees payable to the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5) by the project sponsors receiving trust loans.

b. Prior to repayment to the Clean Water State Revolving Fund pursuant to sections 1 and 2 of P.L. 2009, c.77 and any amendatory and supplementary acts thereto, prior to repayment to the "Wastewater Treatment Fund" pursuant to the provisions of section 16 of P.L.1985, c.329, prior to repayment to the "1992 Wastewater Treatment Fund" pursuant to the provisions of section 28 of P.L.1992, c.88, prior to repayment to the "Water Supply Fund" pursuant to the provisions of section 15 of P.L.1981, c.261, prior to repayment to the Drinking Water State Revolving Fund, prior to repayment to the "2003 Water Resources and Wastewater Treatment Fund" pursuant to the provisions of section 20 of P.L.2003, c.162, or prior to repayment to the "Stormwater Management and Combined Sewer Overflow Abatement Fund" pursuant to the provisions of section 15 of P.L.1989, c.181, the trust is further authorized to utilize repayments of loans made pursuant to P.L.1989, c.189, P.L.1990, c.99, P.L.1991, c.325, P.L.1992, c.38, P.L.1993, c.193, P.L.1994, c.106, P.L.1995, c.219, P.L.1996, c.85, P.L.1997, c.221, P.L.1998, c.84, P.L.1999, c.174, P.L.2000, c.92, P.L.2001, c.222, P.L.2002, c.70, P.L.2003, c.158, P.L.2004, c.109, P.L.2005, c.196, P.L.2006, c.68, P.L.2007, c.139, P.L.2008, c.68, P.L.2009, c.102, P.L.2010, c.63 or P.L.2011, c.93 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 or P.L.2011, c.95, and to secure the administrative fees payable to the trust under these loans pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5).

c. To the extent that any loan repayment sums are used to satisfy any trust bond repayment or administrative fee payment deficiencies, the trust shall repay such sums to the department for deposit into the Clean Water State Revolving Fund, the "Wastewater Treatment Fund," the "1992 Wastewater Treatment Fund," the "Water Supply Fund," the Drinking Water State Revolving Fund, the "2003 Water Resources and Wastewater Treatment Fund," or the "Stormwater Management and Combined Sewer Overflow Abatement Fund," as appropriate, from amounts received by or on behalf of the trust from project sponsors causing any such deficiency.

10. The Commissioner of Environmental Protection is authorized to enter into capitalization grant agreements as may be required pursuant to the Federal Clean Water Act or the Federal Safe Drinking Water Act.

11. There is appropriated to the New Jersey Environmental Infrastructure Trust established pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.) from repayments of loans and interest deposited in any account, on or before June 30, 2012, including the "Clean Water State Revolving Fund," the "1992 Wastewater Treatment Fund," the "Water Supply Fund," the "Stormwater Management and Combined Sewer Overflow Abatement Fund," "2003 Water Resources and Wastewater Treatment Fund," or the Drinking Water State Revolving Fund, as appropriate, and from any net earnings received from the investment and reinvestment of such deposits, such sums as the chairman of the trust shall certify to the Commissioner of Environmental Protection to be necessary and appropriate for deposit into one or more reserve funds or the Interim Financing Program Fund established by the trust pursuant to section 11 of P.L.1985, c.334 (C.58:11B-11).

12. This act shall take effect immediately.

Approved August 4, 2011.

CHAPTER 94

AN ACT concerning environmental infrastructure projects, amending P.L.2009, c.103, and supplementing P.L.1985, c.334.

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

1. Section 5 of P.L.2009, c.103 (C.58:11B-9.3) is amended to read as follows:

C.58:11B-9.3 "Onsite Wastewater Disposal Loan Fund."

5. a. The trust shall create and establish a special fund (hereinafter referred to as the "Onsite Wastewater Disposal Loan Fund") for the purposes of an onsite wastewater disposal loan financing or refinancing program (hereinafter referred to as the "Onsite Wastewater Disposal Financing Program").

The Onsite Wastewater Disposal Loan Fund shall be credited with:

(1) moneys deposited in the fund as administrative fees received by the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5);

(2) moneys received by the trust as repayment of the principal of and the interest or premium on loans made from the fund;

(3) any interest earnings received on the moneys in the fund; and

(4) such other moneys as the Legislature may appropriate to the trust for deposit into the fund at any time to finance or refinance onsite wastewater disposal loans pursuant to the Onsite Wastewater Disposal Financing Program.

b. Notwithstanding any provision of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to the contrary, the trust may make onsite wastewater disposal loans for a period not to exceed 10 years to private persons or to local government units on behalf of private persons to finance the cost of alterations, repairs or replacements to individual subsurface sewage disposal systems performed pursuant to an onsite septic system ordinance approved by the Department of Environmental Protection, the New Jersey Pinelands Commission or the New Jersey Highlands Council, without regard to any other provisions of P.L.1985, c.334 or P.L.1997, c.224, including, without limitation, the provisions of section 20 of P.L.1985, c.334 (C.58:11B-20), section 24 of P.L.1997, c.224 (C.58:11B-20.1), the Interim Financing Program Eligibility List pursuant to subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9), or any administrative or legislative approvals.

C.58:11B-9.4 "Supplemental Loan Fund."

2. a. The trust shall create and establish a special fund (hereinafter referred to as the "Supplemental Loan Fund") for the short-term or temporary supplemental loan financing or refinancing program (hereinafter referred to as the "Supplemental Financing Program").

The Supplemental Loan Fund shall be credited with:

(1) moneys deposited in the fund as administrative fees received by the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5);

(2) moneys received by the trust as repayment of the principal of and the interest or premium on loans made from the fund;

(3) any interest earnings received on the moneys in the fund; and

(4) such other moneys as the Legislature may appropriate to the trust for deposit into the fund at any time to finance or refinance short-term or temporary supplemental loans pursuant to the Supplemental Financing Program.

b. Notwithstanding any provision of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to the contrary, the trust may make short-term or temporary loans for a project for which a loan has been

previously issued pursuant to subsection a. of section 9 of P.L.1985, c.334 (C.58:11B-9) to pay for eligible costs incurred in excess of the previous loan amount for activities specifically approved in the previous project loan to: (1) local government units to finance or refinance wastewater treatment system projects not included on the project priority list for the ensuing fiscal year or eligible for approval pursuant to section 20 of P.L.1985, c.334 (C.58:11B-20); or (2) public water utilities or private persons to finance or refinance water supply projects not included on the project priority list for the ensuing fiscal year or eligible for approval pursuant to section 24 of P.L.1997, c.224 (C.58:11B-20.1), as applicable, without regard to any other provisions of P.L.1985, c.334 or P.L.1997, c.224, including, without limitation, the provisions of section 20 of P.L.1985, c.334 (C.58:11B-20), section 24 of P.L.1997, c.224 (C.58:11B-20.1), the Interim Financing Program Eligibility List pursuant to subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9), or any administrative or legislative approvals.

3. This act shall take effect immediately.

Approved August 4, 2011.

CHAPTER 95

AN ACT authorizing the expenditure of funds by the New Jersey Environmental Infrastructure Trust for the purpose of making loans to eligible project sponsors to finance a portion of the cost of construction of environmental infrastructure projects, supplementing P.L.1985, c.334 (C.58:11B-1 et seq.), and making an appropriation.

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

1. a. The New Jersey Environmental Infrastructure Trust, established pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.), as amended and supplemented by P.L.1997, c.224 and amended by P.L.2004, c.111, is authorized to expend the aggregate sum of up to \$647,997,956 and any unexpended balance of the aggregate expenditures authorized pursuant to section 1 of P.L.2000, c.93, section 1 of P.L.2001, c.224, section 1 of P.L.2002, c.71, section 1 of P.L.2003, c.159, section 1 of P.L.2004, c.110, section 1 of P.L.2005, c.197, section 1 of P.L.2006, c.67, section 1 of P.L.2007, c.140,

section 1 of P.L.2008, c.67, section 1 of P.L.2009, c.101, and section 1 of P.L.2010, c.62 for the purpose of making loans, to the extent sufficient funds are available, to or on behalf of local government units or public water utilities (hereinafter referred to as "project sponsors") to finance all or a portion of the cost of construction of environmental infrastructure projects listed in sections 2 and 4 of this act.

b. The trust is authorized to increase the aggregate sums specified in subsection a. of this section by:

(1) the amounts of capitalized interest and the bond issuance expenses as provided in subsection b. of section 7 of this act;

(2) the amounts of reserve capacity expenses and debt service reserve fund requirements as provided in subsection c. of section 7 of this act;

(3) the interest earned on amounts deposited for project costs pending their distribution to project sponsors as provided in subsection d. of section 7 of this act;

(4) the amounts of the loan origination fee as provided in subsection e. of section 7 of this act; and

(5) the amount appropriated to the Department of Environmental Protection for the purpose of making zero interest and principal forgiveness loans pursuant to section 3 of P.L.2011, c.93 in connection with the project costs of a particular project sponsor, to the extent the priority ranking and an insufficiency of funding prevents the department from making the loan as provided in subsection f. of section 7 of this act.

c. (1) Of the sums made available to the trust from the "Water Supply Trust Fund" established pursuant to subsection a. of section 15 of the "Water Supply Bond Act of 1981" (P.L.1981, c.261) pursuant to P.L.1997, c.223, the trust is authorized to transfer such amounts to the Department of Environmental Protection as needed for drinking water project loans pursuant to the "Safe Drinking Water Act Amendments of 1996," Pub.L.104-182, and any amendatory and supplementary acts thereto (hereinafter referred to as the "Federal Safe Drinking Water Act"), under terms and conditions established by the Commissioner of Environmental Protection and trust, and approved by the State Treasurer, which loans shall be jointly administered by the trust and department.

(2) Of the sums appropriated to the trust from the "Wastewater Treatment Trust Fund" established pursuant to section 15 of the "Wastewater Treatment Bond Act of 1985" (P.L.1985, c.329) pursuant to P.L.1987, c.198, the trust is authorized to transfer such amounts as needed to the Clean Water State Revolving Fund established pursuant to section 1 of P.L.2009, c.77 for the purposes of issuing loans or providing the State

match as required for the award of the capitalization grants made available to the State for clean water projects pursuant to the "Water Quality Act of 1987" (33 U.S.C.s.1251 et seq.), and any amendatory and supplementary acts thereto (hereinafter referred to as the "Federal Clean Water Act").

(3) Of the sums appropriated to the trust from the "1992 Wastewater Treatment Trust Fund" established pursuant to section 27 of the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992" (P.L.1992, c.88) pursuant to P.L.1996, c.86, the trust is authorized to transfer such amounts as needed to the Clean Water State Revolving Fund for the purpose of providing the State match as required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(4) Of the sums appropriated to the trust from the "Stormwater Management and Combined Sewer Overflow Abatement Fund" created pursuant to section 14 of the "Stormwater Management and Combined Sewer Overflow Abatement Bond Act of 1989" (P.L.1989, c.181) pursuant to P.L.1998, c.87, the trust is authorized to transfer such amounts as needed to the Clean Water State Revolving Fund for the purpose of providing the State match as required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(5) Of the sums appropriated to the trust from the "2003 Water Resources and Wastewater Treatment Trust Fund" established pursuant to subsection b. of section 19 of the "Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003" (P.L.2003, c.162) pursuant to P.L.2004, c.110, the trust is authorized to transfer such amounts as needed to the Clean Water State Revolving Fund for the purpose of providing the State match as required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(6) Of the sums appropriated to the trust from repayments of loans deposited in any account, including the "Clean Water State Revolving Fund," "Wastewater Treatment Fund," the "1992 Wastewater Treatment Fund," the "Water Supply Fund," the "Stormwater Management and Combined Sewer Overflow Abatement Fund" or the Drinking Water State Revolving Fund, as appropriate, pursuant to sections 11 and 12 of P.L.1995, c.219, sections 11 and 12 of P.L.1996, c.85, sections 11 and 12 of P.L.1997, c.221, sections 12 and 13 of P.L.1998, c.84, section 11 of P.L.1999, c.174, section 11 of P.L.2000, c.92, section 11 of P.L.2001, c.222, section 11 of P.L.2002, c.70, section 11 of P.L.2003, c.158, section 11 of P.L.2004, c.109, section 11 of P.L.2005, c.196, section 11 of P.L.2006, c.68, section 10 of P.L.2007, c.140,

section 10 of P.L.2008, c.67, section 10 of P.L.2009, c.101, and section 10 of P.L.2010, c.62 for deposit into one or more reserve funds established by the trust pursuant to section 11 of P.L.1985, c.334 (C.58:11B-11), the trust shall transfer to the respective fund of origin the unexpended balance of all such moneys no longer utilized by the trust for reserve fund purposes.

d. For the purposes of this act:

(1) "capitalized interest" means the amount equal to interest paid on trust bonds which is funded with trust bond proceeds and the earnings thereon;

(2) "issuance expenses" means and includes, but need not be limited to, the costs of financial document printing, bond insurance premiums or other credit enhancement, underwriters' discount, verification of financial calculations, the services of bond rating agencies and trustees, the employment of accountants, attorneys, financial advisors, loan servicing agents, registrars, and paying agents, and any other costs related to the issuance of trust bonds;

(3) "reserve capacity expenses" means those project costs for reserve capacity not eligible for loans under rules and regulations governing zero interest loans adopted by the Commissioner of Environmental Protection pursuant to section 4 of P.L.1985, c.329 but which are eligible for loans from the trust in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27);

(4) "debt service reserve fund expenses" means the debt service reserve fund costs associated with reserve capacity expenses, water supply projects for which the project sponsors are public water utilities as provided in section 9 of P.L.1985, c.334 (C.58:11B-9), other drinking water projects not eligible for, or interested in, State or federal debt service reserve funds pursuant to the "Water Supply Bond Act of 1981," P.L.1981, c.261, as amended and supplemented by P.L.1997, c.223, and any clean water projects not eligible for, or interested in, State or federal debt service reserve funds from the Clean Water State Revolving Fund; and

(5) "loan origination fee" means the fee charged by the Department of Environmental Protection and financed under the trust loan to pay a portion of the costs incurred by the department in the implementation of the New Jersey Environmental Infrastructure Financing Program.

e. The trust is authorized to increase the loan amount in the future to compensate for a refunding of the issue, provided adequate savings are achieved, for the loans issued pursuant to P.L.1995, c.218, P.L.1996, c.87, P.L.1997, c.222, P.L.1998, c.85, P.L.1999, c.173, P.L.2000, c.93, P.L.2001, c.224, P.L.2002, c.71, P.L.2003, c.159, P.L.2004, c.110, P.L.2005, c.197,

P.L.2006, c.67, P.L.2007, c.140, P.L.2008, c.67, P.L.2009, c.101, P.L.2010, c.62, and P.L.2011, c.95.

2. a. (1) The New Jersey Environmental Infrastructure Trust is authorized to expend funds for the purpose of making supplemental loans to or on behalf of the project sponsors listed below for the following clean water environmental infrastructure projects:

Project Sponsor	Project Number	Estimated Allowable Trust Loan Amount	Estimated Total Allowable Loan Amount
Bayonne MUA	S340399-30-1	\$686,445	\$915,260
Bergen County UA	S340386-05-1	\$973,907	\$1,298,542
Gloucester County UA	S340902-06-1	\$240,000	\$320,000
Hudson County IA	S340098-01-1	\$2,628,632	\$3,504,842
Jersey City MUA	S340928-06-1	\$1,350,120	\$1,800,160
Newark City	S340815-05-1	\$7,225,725	\$9,634,300
Total:	6	\$13,104,829	\$17,473,104

(2) The loans authorized in this subsection shall be made for the difference between the allowable loan amounts required by these projects based upon final building costs pursuant to subsection a. of section 7 of this act and the loan amounts certified by the chairman of the trust in State fiscal years 2006, 2008, 2010, and 2011, and for increased allowable costs as defined and determined in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27). The loans authorized in this subsection shall be made to or on behalf of the project sponsors listed, up to the individual amounts indicated and in the priority stated, to the extent sufficient funds are available, except as a project fails to meet the requirements of section 6 of this act.

(3) The loans authorized in this subsection shall have priority over the environmental infrastructure projects listed in subsection a. of section 4 of this act.

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

Project Sponsor	Project Number	Estimated Allowable Trust Loan Amount	Estimated Total Allowable Loan Amount
Dover Town	1409001-002-1	\$193,234	\$257,645

Lakewood Township MUA	1514002-002/6/7/8/9/10-1	\$1,817,937	\$2,423,916
Ocean Township	1520001-001-1	\$225,330	\$300,440
Total:	3	\$2,236,501	\$2,982,001

(2) The loans authorized in this subsection shall be made for the difference between the allowable loan amounts required by these projects based upon final building costs pursuant to subsection a. of section 7 of this act and the loan amounts certified by the chairman of the trust in State fiscal years 2009, 2010, and 2011 and for increased allowable costs as defined and determined in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27). The loans authorized in this subsection shall be made to or on behalf of the project sponsors listed, up to the individual amounts indicated and in the priority stated, to the extent sufficient funds are available, except as a project fails to meet the requirements of section 6 of this act.

(3) The loans authorized in this subsection shall have priority over the environmental infrastructure projects listed in subsection c. of section 4 of this act.

c. The trust is authorized to adjust the allowable trust loan amount for projects authorized in this section to between 25% and 75% of the total allowable loan amount.

3. a. The New Jersey Environmental Infrastructure Trust is authorized to make loans to or on behalf of the project sponsors for the clean water projects listed in subsection a. of section 2 and subsections a. and b. of section 4 of this act up to the individual amounts indicated and in the priority stated, except as any such amount may be reduced by the trust pursuant to subsection a. of section 7 of this act, or if a project fails to meet the requirements of section 6 of this act. The trust is authorized to increase any such amount pursuant to subsection b., c., d., e. or f. of section 7 or section 8 of this act.

b. The trust is authorized to make loans to project sponsors for the drinking water projects listed in subsection b. of section 2 and subsection c. of section 4 of this act up to the individual amounts indicated and in the priority stated, except as any such amount may be reduced by the trust pursuant to subsection a. of section 7 of this act, or if a project fails to meet the requirements of section 6 of this act. The trust is authorized to increase any such amount pursuant to subsection b., c., d., e. or f. of section 7 or section 8 of this act.

4. a. The following environmental infrastructure projects shall be known and may be cited as the "State Fiscal Year 2012 Clean Water Project Priority List":

Project Sponsor	Project Number	Estimated Allowable Trust Loan Amount	Estimated Total Allowable Loan Amount
Newark City	S340815-21	\$7,423,500	\$9,898,000
Elizabeth City	S340942-11	\$7,351,500	\$9,802,000
Elizabeth City	S340942-13	\$8,430,000	\$11,240,000
Elizabeth City	S340942-14	\$2,176,500	\$2,902,000
Jersey City MUA	S340928-09	\$1,987,350	\$2,649,800
Ocean County UA	S340372-45	\$3,764,342	\$5,019,123
North Hudson SA	S340952-17	\$1,712,625	\$2,283,500
North Hudson SA	S340952-18	\$405,439	\$540,585
Linden Roselle SA	S340299-07	\$11,098,380	\$14,797,840
Phillipsburg Town	S340874-05	\$1,346,250	\$1,795,000
Frenchtown Borough	S340331-01	\$10,224,375	\$13,632,500
Raritan Township MUA	S340485-05	\$299,063	\$398,750
Bordentown SA	S340219-03	\$1,682,100	\$2,242,800
Clinton Town	S340924-04	\$1,142,250	\$1,523,000
Bergen County UA	S340386-11	\$11,887,500	\$15,850,000
Atlantic County UA	S340809-22	\$1,139,483	\$1,519,311
Rockaway Valley RSA	S340821-05	\$3,711,000	\$4,948,000
Maple Shade Township	S340710-07	\$1,226,250	\$1,635,000
Milltown Borough	S340102-02	\$1,084,817	\$1,446,422
Camden County MUA	S340640-10	\$37,537,500	\$50,050,000
Cape May County MUA	S340661-17	\$289,275	\$385,700
Old Bridge MUA	S340945-10	\$3,641,250	\$4,855,000
Princeton Borough	S340656-07A	\$1,391,234	\$1,854,978
Princeton Township	S340656-07B	\$1,787,414	\$2,383,218
Burlington Township	S340712-09	\$1,033,125	\$1,377,500
Cinnaminson SA	S340170-04	\$1,277,730	\$1,703,640
Ocean Township	S340112-02	\$632,576	\$843,434
Stone Harbor Borough	S340722-04	\$6,355,521	\$8,474,028
Cranford Township	S340858-01	\$707,775	\$943,700
Ocean County UA	S340372-46	\$3,100,829	\$4,134,438
Ocean County UA	S340372-47	\$1,806,413	\$2,408,551
Cape May County MUA	S340661-15	\$349,125	\$465,500
Cape May County MUA	S340661-16	\$199,500	\$266,000
Cape May County MUA	S340661-18	\$498,750	\$665,000
Old Bridge MUA	S340945-11	\$1,616,250	\$2,155,000

Raritan Township MUA	S340485-06	\$875,438	\$1,167,250
Roselle Borough	S340332-01	\$2,141,250	\$2,855,000
Hamilton Township MUA	S340903-03	\$878,220	\$1,170,960
Maywood Borough	S340226-01	\$1,336,756	\$1,782,341
Midland Park Borough	S340227-01	\$519,750	\$693,000
Long Beach Township	S340023-04	\$2,135,835	\$2,847,780
Seaside Park Borough	S340083-02	\$2,849,632	\$3,799,509
Cape May County MUA	S340661-19	\$349,125	\$465,500
Cape May County MUA	S340661-20	\$199,500	\$266,000
Pleasantville City	S340752-01	\$975,919	\$1,301,225
Old Bridge MUA	S340945-08	\$6,730,500	\$8,974,000
NW Bergen County UA	S340700-09	\$4,354,500	\$5,806,000
Willingboro Township	S340132-03	\$2,032,500	\$2,710,000
Newark City	S340815-12	\$13,680,665	\$18,240,886
Atlantic County UA	S340809-18	\$1,665,000	\$2,220,000
Gloucester Township	S340364-07	\$1,185,938	\$1,581,250
Gloucester Township	S340364-08	\$525,975	\$701,300
Berkeley Township	S340969-10	\$528,308	\$704,410
Berkeley Township	S340969-11	\$286,838	\$382,450
Galloway Township	S340892-03	\$95,943	\$127,924
Little Falls Township	S340716-06	\$766,575	\$1,022,100
Mount Holly Township	S340817-05	\$142,463	\$189,950
Linwood City	S340217-01	\$587,970	\$783,960
Linwood City	S340217-02	\$1,469,475	\$1,959,300
Highlands Borough	S340901-03	\$3,218,400	\$4,291,200
Bellmawr Borough	S342011-02	\$7,014,568	\$9,352,757
New Jersey WSA	S343054-08	\$1,579,569	\$2,106,092
New Jersey City U.	S340111-02	\$12,213,716	\$16,284,954
Cape May County MUA	S342017-03	\$6,645,000	\$8,860,000
Cape May County MUA	S340661-21	\$780,000	\$1,040,000
Camden County MUA	S340640-12	\$3,397,500	\$4,530,000
Raritan Township MUA	S340485-08	\$1,202,340	\$1,603,120
Hanover SA	S340388-04	\$5,344,500	\$7,126,000
Stafford Township	S344100-01	\$3,398,438	\$4,531,250
Brick Township	S344030-01	\$795,845	\$1,061,126
Manchester Township	S344070-01	\$625,387	\$833,849
Little Egg Harbor Township	S344060-01	\$2,378,906	\$3,171,875
Hightstown Borough	S340915-03	\$618,765	\$825,020
Lakehurst Borough	S344150-01	\$392,588	\$523,450
Seaside Park Borough	S344200-01	\$511,125	\$681,500
Jackson Township	S344050-01	\$1,875,569	\$2,500,759
Lacey Township	S344140-01	\$245,101	\$326,801
Ocean County	S344080-01	\$12,546,699	\$16,728,932
Toms River Township	S344110-01	\$1,560,563	\$2,080,750

Howell Township	S344040-01	\$3,263,708	\$4,351,610
Berkeley Township	S344020-01	\$380,625	\$507,500
Point Pleasant Borough	S344210-01	\$239,250	\$319,000
Barnegat Township	S344130-01	\$282,750	\$377,000
Beachwood Borough	S344010-01	\$757,444	\$1,009,925
Millstone Township	S344160-01	\$271,875	\$362,500
Point Pleasant Beach Borough	S344190-01	\$255,563	\$340,750
Long Beach Township	S344170-01	\$918,938	\$1,225,250
Ocean Gate Borough	S344180-01	\$1,837,875	\$2,450,500
Pine Beach Borough	S344090-01	\$331,688	\$442,250
Bay Head Borough	S344120-01	\$187,594	\$250,125
Hightstown Borough	S340915-04	\$47,981	\$63,975
Cranford Township	S340858-06	\$707,775	\$943,700
Gloucester County UA	S340902-08	\$922,500	\$1,230,000
Clifton City	S340844-01	\$242,894	\$323,978
Ewing-Lawrence SA	S340391-09	\$1,495,634	\$1,994,178
Montclair Township	S340837-02	\$904,373	\$1,205,830
South Plainfield Borough	S340408-01	\$264,075	\$352,100
Hightstown Borough	S340915-02	\$295,125	\$393,500
Kearny MUA	S340259-09	\$1,641,900	\$2,189,200
Clifton City	S340844-04	\$1,332,017	\$1,776,022
Middletown Township	S340097-01	\$2,767,500	\$3,690,000
Harrington Park Borough	S340223-01	\$283,943	\$378,590
Weehawken Township	S343077-01	\$8,625,000	\$11,500,000
North Bergen MUA	S340652-11	\$1,544,430	\$2,059,240
Total:	104	\$282,778,102	\$377,037,571

b. The following environmental infrastructure projects shall be known and may be cited as the "State Fiscal Year 2012 Clean Water Barnegat Bay Watershed Project Priority List":

Project Sponsor	Project Number	Estimated Allowable Trust Loan Amount	Estimated Total Allowable Loan Amount
Equipment			
Bay Head Borough	BBE1	\$187,594	\$250,125
Long Beach Township	BBE2	\$271,875	\$362,500
Point Pleasant Beach Borough	BBE3	\$255,563	\$340,750
Seaside Park Borough	BBE4	\$511,125	\$681,500
Equipment Subtotal:	4	\$1,226,157	\$1,634,875
Non-Equipment			
Stafford Township	BBB1	\$1,087,500	\$1,450,000
Stafford Township	BBB2	\$271,875	\$362,500

Ocean County	BBB3	\$791,060	\$1,054,747
Toms River Township	BBB4	\$1,305,000	\$1,740,000
Ocean County	BBB5	\$928,691	\$1,238,254
Ocean County	BBB6	\$629,523	\$839,364
Ocean County	BBB7	\$372,990	\$497,320
Manchester Township	BBB8	\$218,621	\$291,495
Manchester Township	BBB9	\$146,608	\$195,477
Ocean County	BBB10	\$325,643	\$434,191
Jackson Township	BBB11	\$1,010,967	\$1,347,956
Howell Township	BBB12	\$1,108,366	\$1,477,821
Howell Township	BBB13	\$1,054,865	\$1,406,486
Howell Township	BBB14	\$437,825	\$583,766
Ocean County	BBB15	\$743,133	\$990,844
Brick Township	BBB16	\$795,845	\$1,061,126
Ocean County	BBB17	\$1,239,975	\$1,653,300
Little Egg Harbor Township	BBB18	\$1,005,938	\$1,341,250
Ocean County	BBB19	\$433,019	\$577,358
Ocean County	BBB20	\$905,276	\$1,207,034
Howell Township	BBB21	\$662,653	\$883,537
Little Egg Harbor Township	BBB22	\$451,313	\$601,750
Ocean County	BBB23	\$310,862	\$414,483
Ocean County	BBB24	\$330,395	\$440,526
Ocean County	BBB25	\$419,188	\$558,917
Pine Beach Borough	BBB26	\$65,250	\$87,000
Ocean County	BBB27	\$493,778	\$658,370
Ocean County	BBB28	\$298,789	\$398,385
Ocean County	BBB29	\$322,872	\$430,496
Ocean County	BBB30	\$298,789	\$398,385
Ocean County	BBB31	\$462,342	\$616,456
Jackson Township	BBB32	\$437,079	\$582,772
Berkeley Township	BBB33	\$108,750	\$145,000
Little Egg Harbor Township	BBB34	\$405,094	\$540,125
Ocean County	BBB35	\$243,785	\$325,047
Ocean County	BBB36	\$298,789	\$398,385
Ocean County	BBB37	\$411,829	\$549,105
Beachwood Borough	BBB38	\$340,388	\$453,850
Manchester Township	BBB39	\$109,022	\$145,363
Ocean County	BBB40	\$183,689	\$244,918
Jackson Township	BBB41	\$427,523	\$570,031
Ocean County	BBB42	\$308,669	\$411,558
Manchester Township	BBB43	\$93,824	\$125,099
Ocean County	BBB44	\$178,841	\$238,455
Ocean County	BBB45	\$177,466	\$236,621
Ocean County	BBB46	\$202,997	\$270,663

Manchester Township	BBB47	\$27,731	\$36,975
Manchester Township	BBB48	\$29,580	\$39,440
Non-Equipment Subtotal:	48	\$22,914,007	\$30,552,001
Total:	52	\$24,140,164	\$32,186,876

c. The following environmental infrastructure projects shall be known and may be cited as the "State Fiscal Year 2012 Drinking Water Project Priority List":

Project Sponsor	Project Number	Estimated Allowable Trust Loan Amount	Estimated Total Allowable Loan Amount
Winslow Township	0436007-007	\$2,819,018	\$3,758,690
Monroe Township	1213002-001	\$3,537,719	\$4,716,959
Pemberton Township	0329004-002	\$162,743	\$216,990
Sea Village Marina	0108021-002	\$816,938	\$1,089,250
Newark City	0714001-016	\$6,688,950	\$8,918,600
Newark City	0714001-017	\$1,056,075	\$1,408,100
Atlantic City MUA	0102001-005	\$6,003,075	\$8,004,100
Aqua New Jersey Inc.	1505002-001	\$604,598	\$806,130
Hammonton Town	0113001-004	\$4,012,957	\$5,350,609
Colonial Estates	0811003-002	\$2,126,315	\$2,835,086
Aqua New Jersey Inc.	2119001-007	\$369,935	\$493,246
Seaside Park Borough	1527001-002	\$3,209,741	\$4,279,654
NJ American Water Co.	0712001-005	\$58,500,000	\$78,000,000
Long Beach Township	1517001-011	\$2,283,755	\$3,045,007
Aqua New Jersey Inc.	0415002-007	\$906,543	\$1,208,724
Westville Borough	0821001-001	\$209,640	\$279,520
Jersey City MUA	0906001-006	\$12,247,500	\$16,330,000
New Jersey City U./Jersey City	0906001-005	\$953,885	\$1,271,847
SE Monmouth MUA	1352005-005	\$6,300,124	\$8,400,165
Hamilton Twp MUA	0112001-002	\$1,087,500	\$1,450,000
Stone Harbor Borough	0510001-005	\$854,490	\$1,139,320
Stone Harbor Borough	0510001-004	\$572,861	\$763,814
Phillipsburg RA	2119001-006	\$2,175,000	\$2,900,000
Woodbury City	0822001-001	\$2,512,500	\$3,350,000
Matawan Borough	1329001-001	\$3,615,000	\$4,820,000
Ocean Township	1520001-003	\$542,150	\$722,866
Westville Borough	0821001-002	\$652,388	\$869,850
Alpha Borough	2102001-001	\$1,727,173	\$2,302,897
Byram HOA	1904009-002	\$189,375	\$252,500
Middlesex Water Co.	1225001-013	\$3,000,000	\$4,000,000

Aberdeen Township	1330002-002	\$1,089,525	\$1,452,700
Byram HOA	1904009-005	\$116,625	\$155,500
Matawan Borough	1329001-002	\$531,000	\$708,000
Washington Township MUA	0818004-008	\$693,825	\$925,100
NJ American Water Co.	0323001-002	\$5,314,125	\$7,085,500
Lakehurst Borough	1513001-001	\$54,863	\$73,150
Byram HOA	1904009-004	\$21,000	\$28,000
Westville Borough	0821001-003	\$110,700	\$147,600
Hamilton Twp MUA	0112001-001	\$296,250	\$395,000
Byram HOA	1904009-001	\$67,500	\$90,000
Pemberton Township	0329004-003	\$296,250	\$395,000
Ocean Township	1520001-002	\$194,100	\$258,800
Mt. Olive Township	1427015-001	\$726,750	\$969,000
Byram HOA	1904009-003	\$28,875	\$38,500
Nutley Township	0716001-001	\$2,307,394	\$3,076,525
New Jersey WSA	1352005-004	\$3,000,000	\$4,000,000
Egg Harbor City	0107001-002	\$8,050,778	\$10,734,370
Collingswood Borough	0412001-002	\$249,300	\$332,400
Hightstown Borough	1104001-005	\$692,430	\$923,240
Kearny Town	0907001-001	\$704,625	\$939,500
Collingswood Borough	0412001-003	\$623,250	\$831,000
Lakewood Township MUA	1514002-011	\$2,587,221	\$3,449,628
Clinton Town	1005001-003	\$763,730	\$1,018,307
Pompton Lakes MUA	1609001-006	\$1,857,000	\$2,476,000
Clinton Town	1005001-004	\$811,796	\$1,082,394
Boonton Town	1401001-002	\$1,607,000	\$2,142,666
Collingswood Borough	0412001-004	\$789,450	\$1,052,600
Collingswood Borough	0412001-005	\$415,500	\$554,000
Total:	58	\$163,738,810	\$218,318,404

d. The trust is authorized to adjust the allowable trust loan amount for projects authorized in this section to between 25% and 75% of the total allowable loan amount.

5. In accordance with and subject to the provisions of sections 5, 6 and 23 of P.L.1985, c.334 (C.58:11B-5, 58:11B-6, and 58:11B-23) and as set forth in the financial plan required pursuant to section 21 of P.L.1985, c.334 (C.58:11B-21), or the financial plan required pursuant to section 25 of P.L.1997, c.224 (C.58:11B-21.1), any proceeds from bonds issued by the trust to make loans for priority environmental infrastructure projects listed in sections 2 and 4 of this act which are not expended for that purpose may be applied for the payment of all or any part of the principal of and interest and

premium on the trust bonds whether due at stated maturity, the interest payment dates or earlier upon redemption. A portion of the proceeds from bonds issued by the trust to make loans for priority environmental infrastructure projects pursuant to this act may be applied for the payment of capitalized interest and for the payment of any issuance expenses; for the payment of reserve capacity expenses; for the payment of debt service reserve fund expenses for the payment of the loan origination fees; and for the payment of increased costs as defined and determined in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27).

6. Any loan made by the New Jersey Environmental Infrastructure Trust pursuant to this act shall be subject to the following requirements:

a. The chairman of the trust has certified that the project is in compliance with the provisions of P.L.1977, c.224, P.L.1985, c.334, P.L.1992, c.88, P.L.1997, c.223, P.L.1997, c.224, P.L.1997, c.225, P.L.1999, c.175 or P.L.2003, c.162, and any rules and regulations adopted pursuant thereto, and any amendatory and supplementary acts thereto, as applicable. In making this certification, the chairman may conclusively rely on the project review conducted by the Department of Environmental Protection without any independent review thereof by the trust;

b. The loan shall be conditioned upon inclusion of the project on a project priority list approved pursuant to section 20 of P.L.1985, c.334 (C.58:11B-20) or section 24 of P.L.1997, c.224 (C.58:11B-20.1);

c. The loan shall be repaid within a period not to exceed 20 years of the making of the loan;

d. The loan, including any portion thereof made by the trust pursuant to subsection f. of section 7 of this act, shall not exceed the allowable project cost of the environmental infrastructure facility, exclusive of capitalized interest and issuance expenses as provided in subsection b. of section 7 of this act, reserve capacity expenses and the debt service reserve fund expenses as provided in subsection c. of section 7 of this act, interest earned on project costs as provided in subsection d. of section 7 of this act, the amounts of the loan origination fee as provided in subsection e. of section 7 of this act, refunding increases as provided in section 8 of this act and increased costs as defined and determined in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27);

e. The loan shall bear interest, exclusive of any late charges or administrative fees payable to the trust pursuant to subsection o. of section 5 of

P.L.1985, c.334 (C.58:11B-5) by the project sponsors receiving trust loans, at or below the interest rate paid by the trust on the bonds issued to make or refund the loans authorized by this act, adjusted for underwriting discount and original issue discount or premium, in accordance with the terms and conditions set forth in the financial plan required pursuant to section 21 of P.L.1985, c.334 (C.58:11B-21) or the financial plan required pursuant to section 25 of P.L.1997, c.224 (C.58:11B-21.1); and

f. The loan shall be subject to all other terms and conditions as the trust shall determine to be consistent with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) and any rules and regulations adopted pursuant thereto, and with the financial plan required by section 21 of P.L.1985, c.334 (C.58:11B-21) or the financial plan required pursuant to section 25 of P.L.1997, c.224 (C.58:11B-21.1).

The priority lists and authorization for the making of loans pursuant to this act shall expire on July 1, 2012, and any project sponsor which has not executed and delivered a loan agreement with the trust for a loan authorized in this act shall no longer be entitled to that loan.

7. a. The New Jersey Environmental Infrastructure Trust is authorized to reduce the individual amount of loan funds made available to or on behalf of project sponsors pursuant to sections 2 and 4 of this act based upon final building costs defined in and determined in accordance with rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27) or rules and regulations adopted by the Commissioner of Environmental Protection pursuant to section 4 of P.L.1985, c.329, section 11 of P.L.1977, c.224 (C.58:12A-11) or section 5 of P.L.1981, c.261. The trust is authorized to use any such reduction in the loan amount made available to a project sponsor to cover that project sponsor's increased costs due to differing site conditions or other allowable expenses as defined and determined in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27).

b. The trust is authorized to increase each loan amount authorized in sections 2 and 4 of this act by the amount of capitalized interest and issuance expenses allocable to each loan made by the trust pursuant to this act; provided that the increase for issuance expenses, excluding underwriters' discount, original issue discount or premiums, municipal bond insurance premiums and bond rating agency fees, shall not exceed 0.4% of the principal amount of trust bonds issued to make loans authorized by this act.

c. The trust is authorized to increase each loan amount authorized in sections 2 and 4 of this act by the amount of reserve capacity expenses, and

by the debt service reserve fund expenses associated with the costs identified in paragraphs (3) and (4) of subsection d. of section 1 of this act.

d. The trust is authorized to increase each loan amount authorized in sections 2 and 4 of this act by the interest earned on amounts deposited for project costs pending their distribution to project sponsors.

e. The trust is authorized to increase each loan amount authorized in sections 2 and 4 of this act by the loan origination fee.

f. The trust is authorized to increase each loan amount authorized in sections 2 and 4 of this act by the amount appropriated to the Department of Environmental Protection for the purpose of making the corresponding zero interest loan pursuant to section 3 of P.L.2011, c.93 in connection with the project costs of the project sponsor, to the extent the priority ranking and an insufficiency of funding prevents the department from making the loan.

8. The New Jersey Environmental Infrastructure Trust is authorized to increase the individual amount of loan funds made available to project sponsors by the trust pursuant to P.L.1989, c.190, P.L.1990, c.97, P.L.1991, c.324, P.L.1992, c.37, P.L.1993, c.192, P.L.1994, c.105, P.L.1995, c.218, P.L.1996, c.87, P.L.1997, c.222, P.L.1998, c.85, P.L.1999, c.173, P.L.2000, c.93, P.L.2001, c.224, P.L.2002, c.71, P.L.2003, c.159, P.L.2004, c.110, P.L.2005, c.197, P.L.2006, c.67, P.L.2007, c.140, P.L.2008, c.67, P.L.2009, c.101, P.L.2010, c.62 or P.L.2011, c.95, provided that adequate savings are achieved, to compensate for a refunding of trust bonds issued to make loans authorized by the aforementioned acts.

9. The expenditure of funds authorized pursuant to this act is subject to the provisions of P.L.1977, c.224 (C.58:12A-1 et al.), P.L.1985, c.329, P.L.1985, c.334 (C.58:11B-1 et seq.), as amended and supplemented by P.L.1997, c.224, P.L.1992, c.88, P.L.1989, c.181, P.L.1997, c.223, P.L.1997, c.225, P.L.1999, c.175 or P.L.2003, c.162, and the rules and regulations adopted pursuant thereto or the Federal Safe Drinking Water Act, as appropriate.

10. a. There is appropriated to the New Jersey Environmental Infrastructure Trust as needed from repayments of loans deposited in any account, including the "Wastewater Treatment Fund," the "1992 Wastewater Treatment Fund," the "Water Supply Fund," the "Stormwater Management and Combined Sewer Overflow Abatement Fund," or the Drinking Water State Revolving Fund, as appropriate, and from any net earnings received from the investment and reinvestment of such deposits, the sum of \$200,000,000 consisting of:

(1) The unexpended balance of \$100,000,000 currently on deposit in the special fund (hereinafter referred to as the "Interim Financing Program Fund") created and established by the trust for the short-term or temporary loan financing or refinancing program (hereinafter referred to as the "Interim Financing Program") authorized pursuant to subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9), which balance previously had been appropriated to the trust for such purpose pursuant to section 12 of P.L.2004, c.109, less any Interim Financing Program Fund amounts appropriated to the Department of Environmental Protection to supplement the sums appropriated from the Clean Water State Revolving Fund for clean water projects pursuant to the Federal Clean Water Act; and

(2) such other amounts to be deposited in the Interim Financing Program Fund, provided that the amount so reappropriated and appropriated to the trust for deposit in the Interim Financing Program Fund shall be utilized by the trust to make short-term or temporary loans pursuant to the Interim Financing Program to any one or more of the project sponsors, for the respective projects thereof, identified in the interim financing project priority list (hereinafter referred to as the "Interim Financing Program Eligibility List") in the form provided to the Legislature by the Commissioner of Environmental Protection.

b. The Interim Financing Program Eligibility List shall be submitted to the Legislature on or before June 18, 2011 on a day when both Houses are meeting. The President of the Senate and the Speaker of the General Assembly shall cause the date of submission to be entered upon the Senate Journal and the Minutes of the General Assembly, respectively. Any environmental infrastructure project or the project sponsor thereof not identified in the Interim Financing Program Eligibility List shall not be eligible for a short-term or temporary loan from the Interim Financing Program Fund.

11. This act shall take effect immediately.

Approved August 4, 2011.

CHAPTER 96

AN ACT providing the New Jersey Sports and Exposition Authority with the power to jointly run racetrack operations and reducing the number of thoroughbred race dates under certain circumstances, 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 7 of P.L.1971, c.137 (C.5:10-7) is amended to read as follows:

C.5:10-7 Application for permit.

7. a. The authority or a lessee of the authority is hereby authorized, licensed and empowered to apply to the Racing Commission for a permit or permits to hold and conduct, at any of the projects set forth in paragraphs (1) and (5) of subsection a. of section 6 of P.L.1971, c.137 (C.5:10-6), horse race meetings for stake, purse or reward, and to provide a place or places on the race meeting grounds or enclosure for wagering by patrons on the results of such horse races by the parimutuel system, and to receive charges and collect all revenues, receipts and other sums from the operation thereof and, in the case of the authority, the ownership thereof.

b. Except as otherwise provided in this section, such horse race meetings and parimutuel wagering shall be conducted by the authority or a lessee of the authority in the manner and subject to compliance with the standards set forth in P.L.1940, c.17 (C.5:5-22 et seq.) and the rules, regulations and conditions prescribed by the Racing Commission thereunder for the conduct of horse race meetings and for parimutuel betting at such meetings.

c. Application for said permit or permits shall be on such forms and shall include such accompanying data as the Racing Commission shall prescribe for other applicants. The Racing Commission shall proceed to review and act on any such application within 30 days after its filing and the Racing Commission is authorized in its sole discretion to determine whether a permit shall be granted to the authority or a lessee of the authority. If, after such review, the Racing Commission acts favorably on such application, a permit shall be granted to the authority or a lessee of the authority without any further approval and shall remain in force and effect so long as any bonds or notes of the authority remain outstanding, the provisions of any other law to the contrary notwithstanding. In granting a permit to the authority or a lessee of the authority to conduct a horse race meeting, the Racing Commission shall not be subject to any limitation as to the number of tracks authorized for the conduct of horse race meetings pursuant to any provision of P.L.1940, c.17 (C.5:5-22 et seq.). Said permit shall set forth the dates to be allotted to the authority for its initial horse race meetings. Thereafter application for dates for horse race meetings by the authority or a lessee of the authority and the allotment thereof by the Racing Commis-

sion, including the renewal of the same dates theretofore allotted, shall be governed by the applicable provisions of P.L.1940, c.17 (C.5:5-22 et seq.). Notwithstanding the provisions of any other law to the contrary, the Racing Commission shall allot annually to the authority or a lessee of the authority for the Meadowlands Complex, in the case of harness racing, not less than the number of racing days allotted pursuant to subsection b. of section 30 of P.L.2001, c.199 (C.5:5-156), and in the case of running racing, not less than 56 racing days, if and to the extent that application is made therefor.

d. No hearing, referendum or other election or proceeding, and no payment, surety or cash bond or other deposit, shall be required for the authority or a lessee of the authority to hold or conduct the horse race meetings with parimutuel wagering herein authorized.

e. The authority or a lessee of the authority shall determine the amount of the admission fee for the races and all matters relating to the collection thereof.

f. Distribution of sums deposited in parimutuel pools to winners thereof shall be in accordance with the provisions of section 44 of P.L.1940, c.17 (C.5:5-64) pertaining thereto. The authority or a lessee of the authority shall make disposition of the deposits remaining undistributed as follows:

(1) In the case of harness races:

(a) Hold and set aside in an account designated as a special trust account 1% of such total contributions in all pools, to be used and distributed as hereinafter provided and as provided in section 5 of P.L.1967, c.40, for the following purposes and no other:

(i) 42 1/2% thereof to increase purses and grant awards for starting horses, as provided or as may be provided by rules of the New Jersey Racing Commission, with payment to be made in the same manner as payment of other purses and awards;

(ii) 49% thereof for the establishment of a Sire Stakes Program for standardbred horses, with payment to be made to the Department of Agriculture for administration as hereinbefore provided;

(iii) 5 1/2% thereof to the Sire Stakes Program for purse supplements designed to improve and promote the standardbred breeding industry in New Jersey by increasing purses for owners of horses that are sired by a New Jersey registered stallion and are eligible to participate in the Sire Stakes Program. The Sire Stakes Program board of trustees shall consult with the Standardbred Breeders' and Owners' Association of New Jersey before disbursing money for purse supplements;

(iv) 3% thereof for other New Jersey horse breeding and promotion conducted by the New Jersey Department of Agriculture.

Payment of the sums held and set aside pursuant to subparagraphs (iii) and (iv) shall be made to the commission every seventh day of any and every race meeting in the amount then due, as determined in the manner provided above, and shall be accompanied by a report under oath showing the total of all such contributions, together with such other information as the commission may require.

(b) Distribute as purse money and for programs designed to aid the horsemen and the Standardbred Breeders' and Owners' Association of New Jersey 5.1175%, or in the case of races on a charity racing day 5%, of such total contributions. Expenditures for programs designed to aid the horsemen and the Standardbred Breeders' and Owners' Association of New Jersey shall not exceed 5% of the sum available for distribution as purse money. The formula for distribution of the purse money as either overnight purses or special stakes shall be determined by an agreement between the Standardbred Breeders' and Owners' Association of New Jersey and the authority or a lessee of the authority. Notwithstanding the foregoing, for pools where the patron is required to select two or more horses, the authority or a lessee of the authority shall distribute as purse money 5.6175%, or in the case of races on a charity racing day 5.5%, of the total contributions and for pools where the patron is required to select three or more horses, the authority or a lessee of the authority shall distribute as purse money 7.1175%, or in the case of races on a charity racing day 7%, of the total contributions. Notwithstanding the foregoing, for pools where a patron is required to select three or more horses, the authority or a lessee of the authority shall retain out of the 7.1175% or 7% to be distributed as purse money a sum deemed necessary by the racing commission, for use by the commission to finance a prerace blood testing program, and such other testing programs which the commission shall deem proper and necessary and which shall be subject to the regulation and control of said commission.

(c) In the case of races on a racing day other than a charity racing day, distribute to the Standardbred Breeders' and Owners' Association of New Jersey for the administration of a health benefits program for horsemen .1175% of such total contributions.

(d) In the case of races on a racing day other than a charity racing day, distribute to the Sire Stakes Program for standardbred horses .02% of such total contributions.

(e) In the case of races on a racing day other than a charity racing day, distribute to the Backstretch Benevolency Programs Fund created pursuant to P.L.1993, c.15 (C.5:5-44.8) .01% of such total contributions.

(2) In the case of running races:

(a) Hold and set aside in an account designated as a special trust account .05% of such total contributions, to be used and distributed for State horse breeding and development programs, research, fairs, horse shows, youth activities, promotion and administration, as provided in section 5 of P.L.1967, c.40 (C.5:5-88).

(b) Distribute as purse money and for programs designed to aid the horsemen and the New Jersey Thoroughbred Horsemen's Association 4.475%, or in the case of races on a charity racing day 4.24%, of such total contributions. Expenditures for programs designed to aid the horsemen and the New Jersey Thoroughbred Horsemen's Association shall not exceed 2.9% of the sum available for distribution as purse money. The formula for distribution of the purse money as either overnight purses or special stakes shall be determined by an agreement between the New Jersey Thoroughbred Horsemen's Association and the authority or a lessee of the authority. Notwithstanding the foregoing, for pools where the patron is required to select three or more horses, the authority or a lessee of the authority shall distribute as purse money 7.475%, or in the case of races on a charity racing day 7.24%, of the total contributions.

(c) Deduct and set aside in a special trust account established pursuant to section 46b.(1)(e) and 46b.(2)(e) of P.L.1940, c.17 (C.5:5-66) for the establishment and support by the commission of the thoroughbred breeding industry in New Jersey .1% of such total contributions, except that for pools where the patron is required to select three or more horses, the amount shall be .6%. The money in the special trust account shall be used to: (i) improve purses for closed races; (ii) provide awards to owners and breeders of registered New Jersey bred horses who earn portions of purses in open and closed races at New Jersey race tracks or in closed races at an out-of-State track as part of a multi-state event to promote thoroughbred breeding, and to owners of stallions posted on the official stallion roster of the Thoroughbred Breeders' Association of New Jersey, which sire such New Jersey bred money earners; and (iii) provide awards to the New Jersey Thoroughbred Breeders' Association for programs beneficial to thoroughbred breeding in this State. The New Jersey thoroughbred award program shall be administered and disbursed by the Thoroughbred Breeders' Association of New Jersey subject to the approval of the commission. The special trust account to be established pursuant to this paragraph shall be separate and apart from the special trust account established and maintained pursuant to subparagraph (a) of this paragraph.

(d) In the case of races on a racing day other than a charity racing day, distribute to the Thoroughbred Breeders' Association of New Jersey .02% of such total contributions.

(e) In the case of races on a racing day other than a charity racing day, distribute to the Backstretch Benevolency Programs Fund created pursuant to P.L.1993, c.15 (C.5:5-44.8) .01% of such total contributions.

Payment of the sums held and set aside pursuant to subparagraphs (a) and (c) of this subsection shall be made to the commission every seventh day of any and every race meeting in the amount then due, as determined in the manner provided above, and shall be accompanied by a report under oath showing the total of all such contributions, together with such other information as the commission may require.

In addition to the amounts above, in the case of races on a racing day designated or allotted as a charity racing day pursuant to P.L.1977, c.200 (C.5:5-44.2 et seq.), P.L.1993, c.15 (C.5:5-44.8), or section 1 of P.L.1997, c.80 (C.5:5-44.9), an amount equal to 1/2 of 1% of all parimutuel pools shall be paid to the commission at the time and in the manner prescribed by the commission.

All amounts remaining in parimutuel pools, including the breaks, after such distribution and payments shall constitute revenues of the authority or a lessee of the authority. Except as otherwise expressly provided in this section 7, the authority or a lessee of the authority shall not be required to make any payments to the Racing Commission or others in connection with contributions to parimutuel pools.

g. All sums held by the authority or a lessee of the authority for payment of outstanding parimutuel tickets not claimed by the person or persons entitled thereto within the time provided by law shall be paid upon the expiration of such time, without further obligation to such ticketholder, as follows:

(1) 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);

(2) 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 46b.(1)(e) and section 46b.(2)(e) of P.L.1940, c.17 (C.5:5-66); and

(3) 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.

h. No admission or amusement tax, excise tax, license or horse racing fee of any kind shall be assessed or collected from the authority or a lessee of the authority by the State of New Jersey, or by any county or municipality, or by any other body having power to assess or collect license fees or taxes.

i. Any horse race meeting and the parimutuel system of wagering upon the results of horse races held at such race meeting shall not under any circumstances, if conducted as provided in the act and in conformity thereto, be held or construed to be unlawful, other statutes of the State to the contrary notwithstanding.

j. Each employee of the authority or a lessee of the authority engaged in the conducting of horse race meetings shall obtain the appropriate license from the Racing Commission, subject to the same terms and conditions as is required of similar employees of other permitholders. The Racing Commission may suspend any member of the authority upon approval of the Governor and the license of any employee of the authority or a lessee of the authority in connection with the conducting of horse race meetings, pending a hearing by the Racing Commission, for any violation of the New Jersey laws regulating horse racing or any rule or regulation of the commission. Such hearing shall be held and conducted in the manner provided in said laws.

k. Notwithstanding any other provision of law, rule, or regulation to the contrary, if the authority shall enter into an agreement with a private entity to lease a racetrack facility it owns to that entity, it may further agree with that entity to jointly operate the facility during a transitional period. The transitional period shall only last:

(1) until the private entity lessee has been fully licensed by the New Jersey Racing Commission and has received all necessary permits to conduct future horse race meetings at the racetrack in the manner and subject to compliance with the standards set forth in P.L.1940, c.17 (C.5:5-22 et seq.), and the rules, regulations, and conditions prescribed by the New Jersey Racing Commission thereunder; or

(2) for one year from the date that the lease agreement is signed, whichever is shorter.

The New Jersey Racing Commission may extend the transitional period for a reasonable time frame beyond one year from the date that the lease agreement is signed, however under no circumstances can the transitional period extend beyond two years from the date that the lease agreement is signed. At the expiration of the transitional period and any extension granted by the New Jersey Racing Commission, the private entity lessee

shall be required to have obtained all the necessary permits and licenses in the manner and subject to compliance with the standards set forth in P.L.1940, c.17 (C.5:5-22 et seq.), and the rules, regulations, and conditions prescribed by the New Jersey Racing Commission thereunder. During this transitional period, the private entity lessee shall be permitted to conduct horse race meetings and wagering through its own employees or through the authority's employees, provided that the authority or the private entity lessee holds a permit issued pursuant to section 30 of P.L.1940, c.17 (C.5:5-50). During this transitional period, the authority may also assign any portion of the proceeds it receives from the operation of the leased racetrack to the private entity lessee. During the transitional period, the private entity lessee and the authority must remain, at all times, in compliance with P.L.1940, c.17 (C.5:5-22 et seq.), except that the private entity need not obtain a permit pursuant to section 30 of P.L.1940, c.17 (C.5:5-50) if the authority has been granted one by the New Jersey Racing Commission.

2. Section 30 of P.L.2001, c.199 (C.5:5-156) is amended to read as follows:

C.5:5-156 Scheduling of race dates, minimum required.

30. a. The permit holder at Monmouth Park and the thoroughbred permit holder at Meadowlands Racetrack together shall schedule annually no fewer than 141 thoroughbred race dates, except that the thoroughbred permit holder may decrease the annual number of scheduled thoroughbred race dates to no fewer than 71 thoroughbred race dates upon written consent from the New Jersey Thoroughbred Horsemen's Association.

b. The standardbred permit holder at Meadowlands Racetrack shall schedule annually no fewer than 151 standardbred race dates, except that the standardbred permit holder may decrease the annual number of scheduled standardbred race dates to no fewer than 75 standardbred race dates upon written consent from the Standardbred Breeders' and Owners' Association of New Jersey.

c. The permit holders at Freehold Raceway shall schedule annually no fewer than 192 standardbred race dates, except that the permit holders may decrease the annual number of scheduled race dates to no fewer than 75 standardbred race dates upon written consent from the Standardbred Breeders' and Owners' Association of New Jersey.

d. Notwithstanding subsection a. of this section, the permit holder at Monmouth Park and the thoroughbred permit holder at Meadowlands Racetrack may schedule 120 thoroughbred race dates in the aggregate in each

calendar year from 2004 through 2007 only if the thoroughbred permit holder at Meadowlands Racetrack or the permit holder at Monmouth Park guarantee in each calendar year from 2004 through 2007 at least \$4,200,000 in thoroughbred stakes at Meadowlands Racetrack and Monmouth Park, and guarantee the average daily overnight purses for thoroughbred race meetings at the following levels: (1) at least \$300,000 at Meadowlands Racetrack in each calendar year from 2004 through 2007; (2) for the traditional meet at Monmouth Park, at least \$320,000 in calendar year 2004, at least \$325,000 in calendar year 2005, at least \$330,000 in calendar year 2006 and at least \$335,000 in calendar year 2007; and (3) for the 18-day supplemental meet at Monmouth Park, at least \$300,000 in each calendar year from 2004 through 2006. In any calendar year from 2004 through 2007 in which the permit holder at the Meadowlands Racetrack or the permit holder at Monmouth Park, as appropriate, fails to guarantee the required minimum for thoroughbred stakes or the required minimum in average in daily overnight purses pursuant to this subsection, the permit holder at Monmouth Park and the thoroughbred permit holder at Meadowlands Racetrack together shall schedule no fewer than 141 thoroughbred race dates in the aggregate in that calendar year.

3. Section 5 of P.L.1992, c.19 (C.5:12-195) is amended to read as follows:

C.5:12-195 Applications to conduct casino simulcasting, conditions of approval.

5. A permit holder which wishes to conduct casino simulcasting shall request the approval of the New Jersey Racing Commission in its annual application for horse race meeting dates filed with that commission pursuant to section 23 of P.L.1940, c.17 (C.5:5-43), or, if applying between the submittal of annual applications, through such supplemental application as that commission shall deem appropriate. The New Jersey Racing Commission shall not approve the request of any permit holder to conduct casino simulcasting unless the permit holder will conduct a number of live racing programs during the period for which the permit is issued which is equal to the following:

- a. in the case of harness races, each permit holder shall conduct at least the number of live racing programs required under subsections b. and c. of section 30 of P.L.2001, c.199 (C.5:5-156); and
- b. in the case of running races, Monmouth Racetrack and Meadowlands Racetrack shall conduct at least the same number of live racing programs required under subsection a. of section 30 of P.L.2001, c.199 (C.5:5-

156), and each of the other permit holders conducting running races shall conduct at least five live racing programs, except that in calendar year 2010 Monmouth Racetrack may conduct at least 71 live racing programs and Meadowlands Racetrack may conduct zero live racing programs.

For the purpose of satisfying the requirements of this section for the conduct of live racing programs, any live racing program or part thereof which is cancelled because of weather or another act of God shall be deemed to have been conducted, subject to the approval of the New Jersey Racing Commission.

4. Section 38 of P.L.1992, c.19 (C.5:5-126) is amended to read as follows:

C.5:5-126 Distribution of amounts resulting from parimutuel pool for out-of-State program.

38. a. If a receiving track which is authorized by the New Jersey Racing Commission to receive the racing program, in full or in part, from an out-of-State sending track pursuant to section 37 of this act is not conducting live racing at the time of receiving the out-of-State races, the amount resulting from the takeout rate shall be distributed as follows:

(1) (Deleted by amendment, P.L.1993, c.353.)

(2) .50% of the parimutuel pool generated at the in-State receiving track shall be deposited as follows:

(a) in the case of an in-State receiving track which conducts harness races, in the special trust account established pursuant to or specified in section 46a.(2) of P.L.1940, c.17 (C.5:5-66), section 2b. of P.L.1984, c.236 (C.5:5-66.1), section 5a.(1) of P.L.1982, c.201 (C.5:5-98), or section 7f.(1)(a) of P.L.1971, c.137 (C.5:10-7), as appropriate, for use and distribution as provided in section 46a.(2)(a), (b), and (c) of P.L.1940, c.17 (C.5:5-66), section 2b.(1), (2), and (3) of P.L.1984, c.236 (C.5:5-66.1), section 5a.(1)(a), (b), and (c) of P.L.1982, c.201 (C.5:5-98), or section 7f.(1)(a)(i), (ii), and (iii) of P.L.1971, c.137 (C.5:10-7); and

(b) in the case of an in-State receiving track which conducts running races, in the special trust account established pursuant to or specified in section 46b.(1)(e) or (2)(e) of P.L.1940, c.17 (C.5:5-66), section 5b.(3) of P.L.1982, c.201 (C.5:5-98), or section 7f.(2)(c) of P.L.1971, c.137 (C.5:10-7), as appropriate, for use and distribution as provided therein;

(3) .03% of the parimutuel pool generated at the in-State receiving track shall be paid to the New Jersey Racing Commission and set aside in the special trust account for horse breeding and development for distribution and use as provided in section 5 of P.L.1967, c.40 (C.5:5-88);

(4) on the basis of all races in each program, or if two or more programs are being transmitted simultaneously, on the basis of all races in all such programs running simultaneously, 3.735% of the first \$100,000 of the total pool generated at the in-State receiving track; 5.235% of the total pool from \$100,001 to \$150,000; 5.735% of the total pool from \$150,001 to \$250,000; 6.235% of the total pool from \$250,001 to \$300,000; and, if the amount of the total pool is above \$300,000, 6.485% of the total amount of the pool or the percentage of the parimutuel pool for overnight purses on live races that the receiving track and horsemen have agreed to by contract, whichever is greater, shall be paid as follows:

(a) in the case of an in-State receiving track which conducts harness races, .1175% of the parimutuel pool to the Standardbred Breeders' and Owners' Association of New Jersey for the administration of a health benefits program for horsemen, and the remaining amount as overnight purse money at the next race meeting at the receiving track, except that if the receiving track is conducting a horse race meeting at the same time as the receipt of the simulcast horse races, the receiving track shall use those sums to supplement overnight purses at that horse race meeting, and for programs designed to aid the horsemen and the Standardbred Breeders' and Owners' Association of New Jersey, as provided in section 46a.(4) of P.L.1940, c.17 (C.5:5-66), section 2d. of P.L.1984, c.236 (C.5:5-66.1), section 5a.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(1)(b) of P.L.1971, c.137 (C.5:10-7), as appropriate; and

(b) in the case of an in-State receiving track which conducts running races, as overnight purse money at the next race meeting at the receiving track, except that if the receiving track is conducting a horse race meeting at the same time as the receipt of the simulcast horse races, the receiving track shall use those sums to supplement overnight purses at that horse race meeting, and for programs designed to aid the horsemen and the New Jersey Thoroughbred Horseman's Benevolent Association, as provided in section 46b.(1)(d) or (2)(d) of P.L.1940, c.17 (C.5:5-66), section 5b.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(2)(b) of P.L.1971, c.137 (C.5:10-7), as appropriate;

(5) .02% of the parimutuel pool generated at the in-State receiving track shall be paid as follows:

(a) in the case of an in-State receiving track which conducts harness races, to the Sire Stakes Program for standardbred horses; and

(b) in the case of an in-State receiving track which conducts running races, to the Thoroughbred Breeders' Association of New Jersey;

(6) .01% of the parimutuel pool generated at the in-State receiving track shall be paid to the Backstretch Benevolency Programs Fund created pursuant to P.L.1993, c.15 (C.5:5-44.8); and

(7) the amount remaining after the deduction of the amounts under paragraphs (2), (3), (4), (5), and (6) shall be paid to the receiving track.

b. If a receiving track includes out-of-State races as part of its live racing program in any way, the amount resulting from the takeout rate shall be distributed as follows:

(1) (Deleted by amendment, P.L.1993, c.353.)

(2) .50% of the parimutuel pool generated at the in-State receiving track shall be deposited as follows:

(a) in the case of an in-State receiving track which conducts harness races, in the special trust account established pursuant to or specified in section 46a.(2) of P.L.1940, c.17 (C.5:5-66), section 2b. of P.L.1984, c.236 (C.5:5-66.1), section 5a.(1) of P.L.1982, c.201 (C.5:5-98), or section 7f.(1)(a) of P.L.1971, c.137 (C.5:10-7), as appropriate, for use and distribution as provided in section 46a.(2)(a), (b), and (c) of P.L.1940, c.17 (C.5:5-66), section 2b.(1), (2), and (3) of P.L.1984, c.236 (C.5:5-66.1), section 5a.(1)(a), (b), and (c) of P.L.1982, c.201 (C.5:5-98), or section 7f.(1)(a)(i), (ii), and (iii) of P.L.1971, c.137 (C.5:10-7); and

(b) in the case of an in-State receiving track which conducts running races, in the special trust account established pursuant to or specified in section 46b.(1)(e) or (2)(e) of P.L.1940, c.17 (C.5:5-66), section 5b.(3) of P.L.1982, c.201 (C.5:5-98), or section 7f.(2)(c) of P.L.1971, c.137 (C.5:10-7), as appropriate, for use and distribution as provided therein;

(3) .03% of the parimutuel pool generated at the in-State receiving track shall be paid to the New Jersey Racing Commission and set aside in the special trust account for horse breeding and development for distribution and use as provided in section 5 of P.L.1967, c.40 (C.5:5-88);

(4) 6.235% of the parimutuel pool generated at the in-State receiving track or the percentage of the parimutuel pool for overnight purses on live races that the racetrack and horsemen have agreed to by contract, whichever is greater, shall be paid as follows:

(a) in the case of an in-State receiving track which conducts harness races, .1175% of the parimutuel pool to the Standardbred Breeders' and Owners' Association of New Jersey for the administration of a health benefits program for horsemen, and the remaining amount as overnight purse money at the current race meeting at the receiving track and for programs designed to aid the horsemen and the Standardbred Breeders' and Owners' Association of New Jersey, as provided in section 46a.(4) of P.L.1940, c.17

(C.5:5-66), section 2d. of P.L.1984, c.236 (C.5:5-66.1), section 5a.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(1)(b) of P.L.1971, c.137 (C.5:10-7), as appropriate; and

(b) in the case of an in-State receiving track which conducts running races, as overnight purse money at the current race meeting at the receiving track and for programs designed to aid the horsemen and the New Jersey Thoroughbred Horseman's Benevolent Association, as provided in section 46b.(1)(d) or (2)(d) of P.L.1940, c.17 (C.5:5-66), section 5b.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(2)(b) of P.L.1971, c.137 (C.5:10-7), as appropriate;

(5) .02% of the parimutuel pool generated at the in-State receiving track shall be paid as follows:

(a) in the case of an in-State receiving track which conducts harness races, to the Sire Stakes Program for standardbred horses; and

(b) in the case of an in-State receiving track which conducts running races, to the Thoroughbred Breeders' Association of New Jersey;

(6) .01% of the parimutuel pool generated at the in-State receiving track shall be paid to the Backstretch Benevolency Programs Fund created pursuant to P.L.1993, c.15 (C.5:5-44.8); and

(7) the amount remaining after the deduction of the amounts under paragraphs (2), (3), (4), (5), and (6) shall be paid to the receiving track.

c. All breakage moneys and outstanding parimutuel ticket moneys resulting from the wagering at the receiving track on the additional out-of-State simulcast races authorized by section 37 shall be divided as follows:

(1) 50% shall be paid to the receiving track; and

(2) 50% shall be paid as follows:

(a) in the case of an in-State receiving track which conducts harness races, as overnight purse money at the receiving track and for programs designed to aid the horsemen and the Standardbred Breeders' and Owners' Association of New Jersey, as provided in section 46a.(4) of P.L.1940, c.17 (C.5:5-66), section 2d. of P.L.1984, c.236 (C.5:5-66.1), section 5a.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(1)(b) of P.L.1971, c.137 (C.5:10-7), as appropriate; and

(b) in the case of an in-State receiving track which conducts running races, as overnight purse money at the receiving track and for programs designed to aid the horsemen and the New Jersey Thoroughbred Horseman's Benevolent Association, as provided in section 46b.(1)(d) or (2)(d) of P.L.1940, c.17 (C.5:5-66), section 5b.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(2)(b) of P.L.1971, c.137 (C.5:10-7), as appropriate.

d. Nothing set forth in this section shall be construed to prohibit the distribution of amounts resulting from the parimutuel pool for an out-of-State program in a manner that is inconsistent with the provisions of subsection a., subsection b., or subsection c. of this section, if such alternative distribution is consistent with and pursuant to an agreement between the permit holder at Monmouth Park, the permit holder at the Meadowlands Racetrack, the Standardbred Breeders' and Owners' Association of New Jersey, and the New Jersey Thoroughbred Horsemen's Association.

5. This act shall take effect immediately.

Approved August 5, 2011.

CHAPTER 97

AN ACT appropriating \$10,250,780 from the "2009 Historic Preservation Fund" and the "2007 Historic Preservation Fund" for the purpose of providing grants, as awarded by the New Jersey Historic Trust, for certain historic preservation projects, and appropriating \$600,000 from the "2009 Historic Preservation Fund" for 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 following sums for the purpose of providing capital preservation grants as listed in subsection b. of this section and historic site management grants as listed in subsection c. of this section, as awarded by the New Jersey Historic Trust, for historic preservation projects approved as eligible for such funding:

(1) \$8,120,541 from the "2009 Historic Preservation Fund," established pursuant to section 20 of the "Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009," P.L.2009, c.117; and

(2) \$2,130,239 from the "2007 Historic Preservation Fund," established pursuant to section 20 of the "Green Acres, Farmland, Blue Acres, and Historic Preservation Bond Act of 2007," P.L.2007, c.119.

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	Linwood City	Linwood City	Linwood Borough School #1	\$47,199
Bergen	Oradell Boro	Bergen Co. Division of Cultural & Historic Affairs	New Milford Plant of the Hackensack Waterworks	704,384
Cape May	Lower Twp	Naval Air Station Wildwood Foundation	Hangar No. 1	251,340
Cape May	Ocean City	Ocean City	Ocean City Life Saving Station	750,000
Cumberland	Bridgeton City	Bridgeton City and Friends of Bridgeton Library	Cumberland National Bank	150,000
Cumberland	Millville City	Millville City	Millville Bank	150,000
Essex	Montclair Twp	Union Congregational Church	Christian Union Congregational Church	750,000
Essex	Newark City	Lincoln Park Coastal Cultural District	South Park Presbyterian Church	300,000
Essex	South Orange Village Twp	South Orange Village Twp	South Orange Village Hall	669,000
Gloucester	National Park Boro	Gloucester County	James and Ann Whitall House	136,254
Hudson	Jersey City	Hudson County	Hudson County Courthouse	750,000
Hudson	Jersey City	Jersey City Redevelopment Agency	Hudson Manhattan Railroad Powerhouse	250,000
Hunterdon	Raritan Twp	Hunterdon Land Trust	Case Dvoor Farmstead	150,000
Middlesex	New Brunswick City	Rutgers, State University of New Jersey	Kirkpatrick Chapel	254,927

Middlesex	New Brunswick City	St. Peter the Apostle Church	St. Peter the Apostle Roman Catholic Church, New Brunswick	750,000
Middlesex	Perth Amboy City	Perth Amboy City	Surveyor General's Office	110,635
Middlesex	Piscataway Twp	Piscataway Twp	Metlar/Knapp/Bodine House	150,000
Morris	Morris Twp	Morris County Parks Commission	Fosterfields Living Historical Farm	659,400
Morris	Morristown Town	Church of the Redeemer	Church of the Redeemer, Morristown	250,000
Morris	Morristown Town	Morristown and Morris Twp Libraries	Morristown Library	279,737
Morris	Mount Olive Twp	NJ Department of Environmental Protection	Amzi Stephens Homestead	112,985
Passaic	Paterson City	Friends of Hinchliffe Stadium	Hinchliffe Stadium	500,000
Passaic	Paterson City	Paterson Municipal Utilities Authority	S.U.M. Great Falls Power Plant	180,000
Somerset	Bernards Twp	Friends of Kennedy-Martin-Stelle Farmstead	Kennedy-Martin-Stelle Farmstead	176,483
Somerset	Bound Brook Boro	The Presbyterian Church of Bound Brook	Presbyterian Church at Bound Brook	400,000
Union	Elizabeth City	First Presbyterian Church of Elizabeth	First Presbyterian Church, Elizabeth	79,242
Union	Kenilworth Boro	Kenilworth Historical Society	Oswald J. Nitschke House	150,000
Warren	Greenwich Twp	Warren County	Morris Canal Inclined Plane 9 West	43,198

Warren	Knowlton Twp	Knowlton Twp Historic Commission	Ramsaysburg Homestead	150,000

TOTAL				\$9,304,784

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
Burlington	Bordentown City	Mercer County Park Commission	Abbott Farm	\$46,875
Mercer	Bordentown Twp Hamilton Twp Trenton City		National Historic Landmark	
Burlington	Mount Laurel Twp	Alice Paul Institute	Destination Paulsdale: Revealing the Hidden Gem	20,000
Burlington	Mount Laurel Twp	Mount Laurel Twp	Sunnyside Farm	12,000
Burlington	Westampton Twp	Westampton Twp Historical Society	Rancocas Lyceum	30,690
Camden	Camden City	Cooper's Ferry Development Assoc	Joseph Cooper House	48,000
Camden	Haddon Twp	Haddon Twp	Westmont Theatre	50,000
Cumberland	Bridgeton City	Bridgeton City	Bridgeton City Hall	15,000
Essex	Belleville Twp Newark City	Branch Brook Park Alliance	Branch Brook Park	34,612
Essex	Caldwell Boro	Grover Cleveland Birthplace Assoc	Grover Cleveland Birthplace	49,500
Essex	Newark City	Newark City	Essex County Jail	50,000
Essex	Newark City	Newark Preservation & Landmarks Committee	Newark Public Schools	18,000
Hudson	Jersey City	Historic Paulus Hook Assoc	Paulus Hook Park	50,000

Hudson	Jersey City	Jersey City	West Bergen Historic District	50,000
Hunterdon	Clinton Town	Red Mill Museum Village	Hunt's Mill and Mulligan Quarry	14,429
Hunterdon	Clinton Twp	1759 Vought House, Inc	Christoffel Vought Farmstead	30,000
Hunterdon	Franklin Twp	Quakertown United Methodist Church	Quakertown Methodist Episcopal Church	7,500
Hunterdon	High Bridge Boro	High Bridge Boro	Solitude House	50,000
Mercer	Ewing Twp	Ewing Twp	Louis I. Kahn Bath House & Day Camp	18,348
Mercer	Hopewell Twp	Friends of Howell Living History Farm	Pleasant Valley School, John Phillips House	16,875
Mercer	Trenton City	Cadwalader Park Alliance	Cadwalader Park	33,750
Monmouth	Middletown Twp	NJ Marine Sciences Consortium	Fort Hancock Barracks Building #22	23,210
Morris	Parsippany-Troy Hills Twp	NJ Dept. of the Treasury	Greystone	50,000
Morris	Roxbury Twp	Roxbury Twp Historical Society	Ledgewood Historic District	7,500
Passaic	Paterson City	Passaic County	Old Paterson Post Office	50,000
Somerset	Bedminster Twp	Friends of the Jacobus Vanderveer House	Jacobus Vanderveer House	48,750
Union	Scotch Plains Twp	Fanwood-Scotch Plains Rotary Frazee House, Inc.	Elizabeth & Gershom Frazee House	29,126
Warren	Allamuchy Twp	Canal Society of New Jersey	Lock Tender's House, Lock 4 West, Morris Canal	12,000
Warren	Greenwich Twp Lopatcong Twp	North Jersey Resource Conservation & Development	Morris Canal	29,831

Warren	Phillipsburg Town	Phillipsburg Area Historical Society	Roseberry House	50,000
TOTAL				\$945,996

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

e. To the extent that moneys remain available after the projects listed in subsection b. or c. of this section are offered funding pursuant thereto, any project of a local government unit or qualifying tax exempt nonprofit organization that previously received funding for historic preservation purposes appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Historic Preservation Trust Fund established pursuant to section 21 of P.L.1999, c.52 (C.13:8C-21), or that receives funding pursuant to this act, shall be eligible to receive additional funding, as determined by the New Jersey Historic Trust, subject to the approval of the Joint Budget Oversight Committee or its successor.

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

2. There is appropriated from the "2009 Historic Preservation Fund," established pursuant to section 20 of the "Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009," P.L.2009, c.117, to the New Jersey Historic Trust the sum of \$600,000 for the purpose of providing organizational, administrative and other work and services, including salaries, equipment, materials and services necessary to administer the applicable provisions of this act.

3. This act shall take effect immediately.

Approved August 15, 2011.

CHAPTER 98

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

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

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

(1) \$4,999,796 from the “2009 Farmland Preservation Fund”;

(2) \$856,852 from the “2007 Farmland Preservation Fund,” made available due to project withdrawals, canceled obligations, and reallocation of monies previously appropriated pursuant to P.L.2009, c.95; and

(3) \$2,974,352 from the “Garden State Farmland Preservation Trust Fund,” made available due to project withdrawals, cancelled obligations and reallocation of monies previously appropriated pursuant to P.L.2003, c.82, P.L.2003, c.83, P.L.2005, c.17, P.L.2005, c.180, P.L.2006, c.81, and P.L.2007, c.186.

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

Applicant (Project)	Farm	County	Municipality	Amount of Grant Not to Exceed
D&R Greenway Land Trust				\$1,943,000
	Battiato	Salem	Mannington Twp	
	Carpenter, J., III	Salem	Mannington Twp	
	Carpenter, John	Salem	Mannington Twp	
	DePalma	Salem	Mannington Twp	
	Spina	Salem	Mannington Twp	
	Waddington	Salem	Pilesgrove Twp	

Hunterdon Land Trust Alliance			\$1,445,000
Crouse	Hunterdon	Alexandria Twp	
Lanwin			
Development	Hunterdon	East Amwell Twp	
Horoschak	Hunterdon	Franklin Twp	
Trstensky	Hunterdon	Kingwood Twp	
Lamington Conservancy			\$ 500,000
Jones	Somerset	Bedminster Twp	
Monmouth Conservation Foundation			\$ 411,000
Conover	Monmouth	Wall Twp	
Montgomery Friends of Open Space Inc			\$ 500,000
Webster	Somerset	Montgomery Twp	
New Jersey Conservation Foundation			\$2,552,000
Maccarone	Gloucester	Woolwich Twp	
Conley	Hunterdon	Delaware Twp	
Fisher	Hunterdon	Delaware Twp	
Lanza	Salem	Pilesgrove Twp	
Sorbello	Salem	Pilesgrove Twp	
Dougan	Salem	Quinton Twp	
Fox	Salem	Quinton Twp	
Joyce	Salem	Upper Pittsgrove Twp	
Miller	Salem	Upper Pittsgrove Twp	
Ridge and Valley Conservancy			\$ 87,000
Windkissed	Warren	Frelinghuysen Twp	
The Land Conservancy of New Jersey			\$1,393,000
McCain	Sussex	Frankford Twp	
McMahon	Sussex	Frankford Twp	
Williams	Sussex	Frankford Twp	
Allison	Sussex	Lafayette Twp	
CF Investment	Sussex	Stillwater Twp	
Syberg	Sussex	Stillwater Twp	

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

3. This act shall take effect immediately.

Approved August 17, 2011.

CHAPTER 99

AN ACT appropriating \$23,000,000 from the “2009 Farmland Preservation Fund” and the “Garden State Farmland Preservation Fund” to the State Agriculture Development Committee for planning incentive grants to municipalities for farmland preservation purposes.

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

1. a. There is appropriated to the State Agriculture Development Committee the following sums, totaling \$23,000,000, for the purpose of providing planning incentive grants to municipalities pursuant to section 1 of P.L.1999, c.180 (C.4:1C-43.1) and approved as eligible for such funding pursuant to subsection b. of this section:

(1) \$17,015,002 from the “2009 Farmland Preservation Fund,” established pursuant to section 18 of the “Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009,” P.L.2009, c.117; and

(2) \$5,984,998 from the “Garden State Farmland Preservation Trust Fund,” established pursuant to section 20 of the “Garden State Preservation Trust Act,” P.L.1999, c.152 (C.13:8C-20), made available due to project withdrawals, canceled obligations, and reallocation of previously appropriated funds.

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

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

Tewksbury Twp	Hunterdon	Tewksbury Twp	500,000
Union Twp	Hunterdon	Union Twp	750,000
West Amwell Twp	Hunterdon	West Amwell Twp	500,000
Hopewell Twp	Mercer	Hopewell Twp	500,000
Colts Neck Twp	Monmouth	Colts Neck Twp	500,000
Holmdel Twp	Monmouth	Holmdel Twp	500,000
Howell Twp	Monmouth	Howell Twp	500,000
Manalapan Twp	Monmouth	Manalapan Twp	500,000
Marlboro Twp	Monmouth	Marlboro Twp	500,000
Millstone Twp	Monmouth	Millstone Twp	500,000
Upper Freehold Twp	Monmouth	Upper Freehold Twp	500,000
Alloway Twp	Salem	Alloway Twp	500,000
Pilesgrove Twp	Salem	Pilesgrove Twp	500,000
Pittsgrove Twp	Salem	Pittsgrove Twp	500,000
Upper Pittsgrove Twp	Salem	Upper Pittsgrove Twp	500,000
Bedminster Twp	Somerset	Bedminster Twp	500,000
Bernards Twp	Somerset	Bernards Twp	500,000
Branchburg Twp	Somerset	Branchburg Twp	500,000
Franklin Twp	Somerset	Franklin Twp	500,000
Hillsborough Twp	Somerset	Hillsborough Twp	500,000
Montgomery Twp	Somerset	Montgomery Twp	500,000
Peapack-Gladstone Boro	Somerset	Peapack-Gladstone Boro	750,000
Blairstown Twp	Warren	Blairstown Twp	750,000
Franklin Twp	Warren	Franklin Twp	500,000
Freylinghuysen Twp	Warren	Freylinghuysen Twp	500,000
Greenwich Twp	Warren	Greenwich Twp	500,000
Harmony Twp	Warren	Harmony Twp	500,000
Hope Twp	Warren	Hope Twp	500,000
Knowlton Twp	Warren	Knowlton Twp	500,000
Pohatcong Twp	Warren	Pohatcong Twp	500,000
White Twp	Warren	White Twp	750,000
TOTAL			\$23,000,000

2. Of the monies appropriated or reappropriated pursuant to P.L.1999, c.138, P.L.2000, c.49, P.L.2000, c.78, P.L.2000, c.79, P.L.2000, c.168, P.L.2001, c.105, P.L.2001, c.181, P.L.2001, c.182, P.L.2001, c.185, P.L.2003, c.80, P.L.2003, c.81, P.L.2003, c.82, P.L.2003, c.83, P.L.2003, c.271, P.L.2003, c.272, P.L.2005, c.14, P.L.2005, c.15, P.L.2005, c.16, P.L.2005, c.181, P.L.2005, c.182, P.L.2006, c.71, P.L.2006, c.74, P.L.2007, c.185, and P.L.2009, c.93 from the "Garden State Farmland Preservation Trust Fund," established pursuant to section 20 of P.L.1999, c.152 (C.13:8C-20), the sum of \$5,984,998 is made available due to project withdrawals, canceled obligations, and reallocation of previously appropriated funds.

3. The expenditure of the sums appropriated by this act is subject to the provisions and conditions of P.L.2009, c.117, P.L.1999, c.152 (C.13:8C-

1 et seq.), P.L.1983, c.32 (C.4:1C-11 et seq.), and P.L.1999, c.180 (C.4:1C-43.1), as appropriate.

4. This act shall take effect immediately.

Approved August 17, 2011.

CHAPTER 100

AN ACT appropriating \$39,000,000 from the “2009 Farmland Preservation Fund,” the “2007 Farmland Preservation Fund,” and the “Garden State Farmland Preservation Trust Fund” to the State Agriculture Development Committee for planning incentive grants to counties for farmland preservation purposes.

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

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

(1) \$34,987,879 from the “2009 Farmland Preservation Fund,” established pursuant to section 18 of the “Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009,” P.L.2009, c.117;

(2) \$223,667 from the “2007 Farmland Preservation Fund,” established pursuant to section 18 of the “Green Acres, Farmland, Blue Acres, and Historic Preservation Bond Act of 2007,” P.L.2007, c.119, made available due to project withdrawals, canceled obligations, and reallocation of monies previously appropriated; and

(3) \$3,788,454 from the “Garden State Farmland Preservation Trust Fund,” established pursuant to section 20 of the “Garden State Preservation Trust Act,” P.L.1999, c.152 (C.13:8C-20), made available due to project withdrawals, canceled obligations, and reallocation of previously appropriated funds.

The total expenditure by the State Agriculture Development Committee pursuant to subsections b. and c. of this section shall not exceed \$39,000,000.

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

Applicant (County)	Municipality	Amount of Grant
Bergen County	Allendale Boro	\$1,500,000
	Closter Boro	
	Emerson Boro	
	Franklin Lakes Boro	
	Hillsdale Boro	
	Mahwah Twp	
	Montvale Boro	
	Norwood Boro	
	Oakland Boro	
	Old Tappan Boro	
	Paramus Boro	
	River Vale Twp	
	Saddle River Boro	
	Woodcliff Lake Boro	
	Wyckoff Twp	
Burlington County	Chesterfield Twp	1,500,000
	Eastampton Twp	
	Florence Twp	
	Hainesport Twp	
	Lumberton Twp	
	Mansfield Twp	
	Medford Twp	
	New Hanover Twp	
	North Hanover Twp	
	Pemberton Twp	
	Shamong Twp	
	Southampton Twp	
	Springfield Twp	
	Tabernacle Twp	
	Westampton Twp	
Cape May County	Dennis Twp	1,500,000
	Lower Twp	
	Middle Twp	
	Upper Twp	
	West Cape May Boro	
	Woodbine Boro	

Cumberland County	Deerfield Twp	1,500,000
	Downe Twp	
	Fairfield Twp	
	Greenwich Twp	
	Hopewell Twp	
	Lawrence Twp	
	Shiloh Boro	
	Stow Creek Twp	
	Upper Deerfield Twp	
	Vineland City	
Gloucester County	Clayton Boro	1,500,000
	East Greenwich Twp	
	Elk Twp	
	Franklin Twp	
	Greenwich Twp	
	Harrison Twp	
	Logan Twp	
	Mantua Twp	
	Monroe Twp	
	South Harrison Twp	
	Washington Twp	
Hunterdon County	Woolwich Twp	1,500,000
	Alexandria Twp	
	Bethlehem Twp	
	Clinton Twp	
	Delaware Twp	
	East Amwell Twp	
	Franklin Twp	
	Hampton Boro	
	Holland Twp	
	Kingwood Twp	
	Lebanon Twp	
	Raritan Twp	
	Readington Twp	
Mercer County	Tewksbury Twp	1,500,000
	Union Twp	
	West Amwell Twp	
	East Windsor Twp	
	Hamilton Twp	
	Hopewell Twp	
	Lawrence Twp	

	Robbinsville Twp	
	West Windsor Twp	
Middlesex County	Cranbury Twp	1,500,000
	East Brunswick Twp	
	Monroe Twp	
	North Brunswick Twp	
	Old Bridge Twp	
	Plainsboro Twp	
	South Brunswick Twp	
Monmouth County	Colts Neck Twp	1,500,000
	Freehold Twp	
	Holmdel Twp	
	Howell Twp	
	Manalapan Twp	
	Marlboro Twp	
	Middletown Twp	
	Millstone Twp	
	Roosevelt Boro	
	Upper Freehold Twp	
	Wall Twp	
Morris County	Boonton Twp	1,500,000
	Chatham Twp	
	Chester Boro	
	Chester Twp	
	Denville Twp	
	Harding Twp	
	Lincoln Park Boro	
	Long Hill Twp	
	Mendham Boro	
	Mendham Twp	
	Mine Hill Twp	
	Montville Twp	
	Morris Twp	
	Mount Olive Twp	
	equannock Twp	
	Randolph Twp	
	Rockaway Twp	
	Roxbury Twp	
	Washington Twp	
Ocean County	Jackson Twp	1,500,000

	Lakewood Twp	
	Plumsted Twp	
	Toms River Twp	
Passaic County	Bloomingtondale Boro	1,500,000
	Clifton City	
	North Haledon Boro	
	Ringwood Boro	
	Totowa Boro	
	Wanaque Boro	
	Wayne Twp	
	West Milford Twp	
	Woodland Park Boro	
Salem County	Alloway Twp	1,500,000
	Elsinboro Twp	
	Lower Alloways Creek Twp	
	Mannington Twp	
	Oldmans Twp	
	Pilesgrove Twp	
	Pittsgrove Twp	
	Quinton Twp	
	Upper Pittsgrove Twp	
Somerset County	Bedminster Twp	1,500,000
	Bernards Twp	
	Bernardsville Boro	
	Branchburg Twp	
	Bridgewater Twp	
	Far Hills Boro	
	Franklin Twp	
	Hillsborough Twp	
	Millstone Boro	
	Montgomery Twp	
	Peapack-Gladstone Boro	
	Rocky Hill Boro	
	Warren Twp	
Sussex County	Andover Boro	1,500,000
	Andover Twp	
	Frankford Twp	
	Fredon Twp	
	Green Twp	
	Hampton Twp	

	Hardyston Twp	
	Lafayette Twp	
	Montague Twp	
	Sandyston Twp	
	Sparta Twp	
	Stillwater Twp	
	Vernon Twp	
	Wantage Twp	
Warren County	Allamuchy Twp	1,500,000
	Alpha Boro	
	Blairstown Twp	
	Franklin Twp	
	Frelinghuysen Twp	
	Greenwich Twp	
	Hardwick Twp	
	Harmony Twp	
	Hope Twp	
	Independence Twp	
	Knowlton Twp	
	Liberty Twp	
	Mansfield Twp	
	Pohatcong Twp	
	Washington Twp	
	White Twp	

c. (1) In addition to the funding provided pursuant to subsection b. of this section, each applicant identified in subsection b. of this section shall be eligible, in accordance with the rules and regulations of the State Agriculture Development Committee providing for a county planning incentive grant program competitive grant fund, to receive an additional grant not to exceed \$3,000,000 from the monies appropriated pursuant to subsection a. of this section. The total expenditure by the State Agriculture Development Committee pursuant to this subsection shall not exceed \$15,000,000.

(2) The maximum grant award an applicant identified in subsection b. of this section may receive pursuant to the funding provided by subsection b. of this section and paragraph (1) of this subsection is \$4,500,000.

2. a. Of the monies appropriated pursuant to P.L.2009, c.94 from the "2007 Farmland Preservation Fund," established pursuant to section 18 of the "Green Acres, Farmland, Blue Acres, and Historic Preservation Bond Act of 2007," P.L.2007, c.119, the sum of \$223,667 is made available due

to project withdrawals, canceled obligations, and reallocation of previously appropriated funds.

b. Of the monies appropriated or reappropriated pursuant to P.L.1999, c.138, P.L.2000, c.49, P.L.2001, c.306, and P.L.2007, c.184 from the "Garden State Farmland Preservation Trust Fund," established pursuant to section 20 of the "Garden State Preservation Trust Act," P.L.1999, c.152 (C.13:8C-20), the sum of \$3,788,454 is made available due to project withdrawals, cancelled obligations, and reallocation of previously appropriated funds.

3. The expenditure of the sums appropriated by this act is subject to the provisions and conditions of P.L.2009, c.117, P.L.2007, c.119, P.L.1999, c.180 (C.4:1C-43.1), P.L.1999, c.152 (C.13:8C-1 et seq.), and P.L.1983, c.32 (C.4:1C-11 et seq.), as appropriate.

4. This act shall take effect immediately.

Approved August 17, 2011.

CHAPTER 101

AN ACT appropriating \$23,588,760 from the "2009 Farmland Preservation Fund" and the "Garden State Farmland Preservation Trust Fund" to the State Agriculture Development Committee for farmland preservation purposes.

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

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

opment Act,” P.L.1983, c.32 (C.4:1C-11 et seq.), “Garden State Preservation Trust Act,” P.L.1999, c.152 (C.13:8C-1 et seq.), and “Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009,” P.L.2009, c.117:

(1) \$12,147,323 from the “2009 Farmland Preservation Fund”;

(2) \$870,765 from the “Garden State Farmland Preservation Trust Fund,” made available due to project withdrawals, canceled obligations, and the reallocation of previously appropriated funds for the acquisition of development easements on, or fee simple titles to, farmland; and

(3) \$6,720,672 from the “Garden State Farmland Preservation Trust Fund,” made available from proceeds received from the resale or lease of farmland previously acquired in fee simple by the committee.

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

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

3. Of the monies appropriated or reappropriated pursuant to P.L.2000, c.49, P.L.2000, c.168, P.L.2000, c.169, P.L.2001, c.103, P.L.2001, c.104, P.L.2001, c.183, P.L.2003, c.80, P.L.2003, c.81, P.L.2003, c.82, P.L.2003, c.83, P.L.2003, c.273, P.L.2005, c.18, and P.L.2006, c.74 from the “Garden State Farmland Preservation Trust Fund,” established pursuant to section 20 of P.L.1999, c.152 (C.13:8C-20), the sum of \$870,765 is made available due to project withdrawals, canceled obligations, and the reallocation of previously appropriated funds for the acquisition of development easements on, or fee simple titles to, farmland.

4. There is appropriated from the “2009 Farmland Preservation Fund,” established pursuant to section 18 of the “Green Acres, Water Sup-

ply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009,” P.L.2009, c.117, to the State Agriculture Development Committee the sum of \$3,600,000 for the purpose of providing funding for the organizational, administrative and other work and services, including salaries, equipment, materials and services necessary to administer the applicable provisions of P.L.2009, c.117.

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

6. There is appropriated from the “2009 Farmland Preservation Fund,” established pursuant to section 18 of the “Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009,” P.L.2009, c.117, to the State Agriculture Development Committee the sum of \$50,000 for the purpose of purchasing and erecting farmland preservation signs on farmland preserved using monies from P.L.2009, c.117.

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

8. This act shall take effect immediately.

Approved August 17, 2011.

CHAPTER 102

AN ACT concerning the purchase of “Jersey Fresh” and other New Jersey agricultural products, and amending P.L.1999, c.32.

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

1. Section 1 of P.L.1999, c.32 (C.52:32-1.6) is amended to read as follows:

C.52:32-1.6 Review, modification of bid, product specifications relative to “Jersey Fresh,” “Jersey Grown,” “Made with Jersey Fresh” products or commodities; enhanced visibility; rules, regulations.

1. a. The Director of the Division of Purchase and Property in the Department of the Treasury shall, upon consultation with the Department of Agriculture, review and modify all bid and product specifications relating to the purchase of agricultural and horticultural products and commodities, so that the specifications do not discriminate against, but encourage, the maximum purchase of "Jersey Fresh," "Jersey Grown," other agricultural food products and commodities grown or raised in New Jersey, and "Made With Jersey Fresh" baked goods or other food products baked or made with "Jersey Fresh" products. In purchasing any agricultural or horticultural products, commodities, or goods for use by the various agencies and departments of the State government, for the entities defined in section 1 of P.L.1959, c.40 (C.52:27B-56.1), or for any county, municipality or school district pursuant to P.L.1969, c.104 (C.52:25-16.1 et al.), the Director of the Division of Purchase and Property, to the maximum extent possible, shall make contracts available for "Jersey Fresh," "Jersey Grown," other agricultural food products and commodities grown or raised in New Jersey, and "Made With Jersey Fresh" baked goods or other food products baked or made with "Jersey Fresh" products, unless the director determines it to be inconsistent with the public interest or the cost to be unreasonable. The Department of Agriculture shall provide information regarding the location and time of year "Jersey Fresh," "Jersey Grown," "Made With Jersey Fresh," and other agricultural food products and commodities grown or raised in New Jersey are available to the Division of Purchase and Property.

b. To the extent any agency or department of State government purchases agricultural or horticultural products or commodities other than through or by the Division of Purchase and Property, the agency or department shall follow guidelines therefor to be developed and issued by the Division of Purchase and Property in consultation with the Department of Agriculture. These guidelines shall encourage and promote to the maximum extent practicable the purchase of "Jersey Fresh," "Jersey Grown," other agricultural food products and commodities grown or raised in New Jersey, and "Made With Jersey Fresh" baked goods or other food products baked or made with "Jersey Fresh" products.

c. In implementing subsections a. and b. of this section for any agency or department of State government, when entering into or renewing a contract for the purchase of goods or related services, the agency or department shall whenever possible provide enhanced visibility and accessibility to “Jer-

sey Fresh,” “Jersey Grown,” other agricultural food products and commodities grown or raised in New Jersey, and "Made With Jersey Fresh" baked goods or other food products baked or made with "Jersey Fresh" products.

In preparing the specifications for any contract for the purchase of goods and services, the Director of the Division of Purchase and Property or any State agency having authority to contract for the purchase of goods or services shall include in the invitation to bid, where relevant, language providing for the enhanced visibility of and accessibility to “Jersey Fresh,” “Jersey Grown,” other agricultural food products and commodities grown or raised in New Jersey, and "Made With Jersey Fresh" baked goods or other food products baked or made with "Jersey Fresh" products.

d. The Department of the Treasury, in consultation with the Department of Agriculture, shall adopt, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), any rules and regulations necessary for the implementation of this section.

2. This act shall take effect immediately.

Approved August 17, 2011.

CHAPTER 103

AN ACT concerning emergency management and supplementing chapter 9 of Appendix A.

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

C.App.A:9-49.1 Towing, transportation of boats prohibited during emergency evacuations.

1. Unless otherwise ordered by the State Director of Emergency Management, a County Emergency Management Coordinator, or a Municipal Emergency Management Coordinator, the operator of a motor vehicle shall not tow any trailer, semitrailer, or any other type of drawn or towed trailer, including a trailer transporting a boat, on a public highway located in an area where an emergency or local disaster emergency as defined in section 3 of P.L.1953, c.438 (C.App.A:9-33.1) has been declared and an evacuation plan is in effect. This prohibition shall not apply to emergency vehicles. The operator of a motor vehicle who violates this prohibition may be charged with

failure to obey signals, signs, or directions under emergency conditions with regard to the flow of vehicular traffic, and upon conviction shall be subject to penalties for a violation of section 3 of P.L.1950, c.70 (C.39:4-215).

2. This act shall take effect immediately.

Approved August 18, 2011.

CHAPTER 104

AN ACT concerning DNA testing, amending P.L.1994, c.136, and supplementing Title 2C of the New Jersey Statutes.

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

1. Section 2 of P.L.1994, c.136 (C.53:1-20.18) is amended to read as follows:

C.53:1-20.18 Findings, declarations regarding DNA databases.

2. The Legislature finds and declares that DNA databanks are an important tool in criminal investigations and in deterring and detecting recidivist acts. It is the policy of this State to assist federal, state and local criminal justice and law enforcement agencies in the identification and detection of individuals who are the subjects of criminal investigations. It is therefore in the best interest of the State of New Jersey to establish a DNA database and a DNA databank containing blood or other biological samples submitted by every person convicted or found not guilty by reason of insanity of a crime and arrested for certain violent crimes. It is also in the best interest of the State of New Jersey to include in this DNA database and DNA databank blood or other biological samples submitted by juveniles adjudicated delinquent or adjudicated not delinquent by reason of insanity for acts, which if committed by an adult, would constitute a crime and by every juvenile arrested for certain violent crimes.

The Legislature further finds and declares that the minimal intrusion on an individual's privacy interest resulting from a DNA test is justified by the compelling governmental interests advanced by DNA analysis, for those who are convicted, adjudicated or found not guilty by reason of insanity for indictable crimes, as well as for those who are arrested for certain violent crimes. It further finds that DNA testing enhances the State's ability to

positively identify an offender, to ascertain whether an individual may be implicated in another offense, and to establish positive identification in the event the offender becomes a fugitive.

The Legislative finds, as did the Supreme Court of New Jersey, that there is a compelling parallel between the taking of DNA and fingerprinting, and that the purposes of DNA testing demonstrate “special needs” beyond ordinary law enforcement.

2. Section 4 of P.L.1994, c.136 (C.53:1-20.20) is amended to read as follows:

C.53:1-20.20 DNA samples required; conditions.

4. a. On or after January 1, 1995 every person convicted of aggravated sexual assault and sexual assault under N.J.S.2C:14-2 or aggravated criminal sexual contact and criminal sexual contact under N.J.S.2C:14-3 or any attempt to commit any of these crimes and who is sentenced to a term of imprisonment shall have a blood sample drawn or other biological sample collected for purposes of DNA testing upon commencement of the period of confinement.

In addition, every person convicted on or after January 1, 1995 of these offenses, but who is not sentenced to a term of confinement, shall provide a DNA sample for purposes of DNA testing as a condition of the sentence imposed. A person who has been convicted and incarcerated as a result of a conviction of one or more of these offenses prior to January 1, 1995 shall provide a DNA sample before parole or release from incarceration.

Every person arrested for an offense enumerated in this subsection shall provide a DNA sample for purposes of DNA testing prior to the person's release from custody.

b. On or after January 1, 1998 every juvenile adjudicated delinquent for an act which, if committed by an adult, would constitute aggravated sexual assault or sexual assault under N.J.S.2C:14-2 or aggravated criminal sexual contact or criminal sexual contact under N.J.S.2C:14-3, or any attempt to commit any of these crimes, shall have a blood sample drawn or other biological sample collected for purposes of DNA testing.

Every juvenile arrested for an act which, if committed by an adult, would constitute an offense enumerated in this subsection shall provide a DNA sample for purposes of DNA testing prior to the juvenile's release from custody.

c. On or after January 1, 1998 every person found not guilty by reason of insanity of aggravated sexual assault or sexual assault under N.J.S.2C:14-

2 or aggravated criminal sexual contact or criminal sexual contact under N.J.S.2C:14-3, or any attempt to commit any of these crimes, or adjudicated not delinquent by reason of insanity for an act which, if committed by an adult, would constitute one of these crimes, shall have a blood sample drawn or other biological sample collected for purposes of DNA testing.

d. On or after January 1, 2000 every person convicted of murder pursuant to N.J.S.2C:11-3, manslaughter pursuant to N.J.S.2C:11-4, aggravated assault of the second degree pursuant to paragraph (1) or (6) of subsection b. of N.J.S.2C:12-1, kidnapping pursuant to N.J.S.2C:13-1, luring or enticing a child in violation of P.L.1993, c.291 (C.2C:13-6), engaging in sexual conduct which would impair or debauch the morals of a child pursuant to N.J.S.2C:24-4, or any attempt to commit any of these crimes and who is sentenced to a term of imprisonment shall have a blood sample drawn or other biological sample collected for purposes of DNA testing upon commencement of the period of confinement.

In addition, every person convicted on or after January 1, 2000 of these offenses, but who is not sentenced to a term of confinement, shall provide a DNA sample as a condition of the sentence imposed. A person who has been convicted and incarcerated as a result of a conviction of one or more of these offenses prior to January 1, 2000 shall provide a DNA sample before parole or release from incarceration.

Every person arrested for an offense enumerated in this subsection shall provide a DNA sample for purposes of DNA testing prior to the person's release from custody.

e. On or after January 1, 2000 every juvenile adjudicated delinquent for an act which, if committed by an adult, would constitute murder pursuant to N.J.S.2C:11-3, manslaughter pursuant to N.J.S.2C:11-4, aggravated assault of the second degree pursuant to paragraph (1) or (6) of subsection b. of N.J.S.2C:12-1, kidnapping pursuant to N.J.S.2C:13-1, luring or enticing a child in violation of P.L.1993, c.291 (C.2C:13-6), engaging in sexual conduct which would impair or debauch the morals of a child pursuant to N.J.S.2C:24-4, or any attempt to commit any of these crimes, shall have a blood sample drawn or other biological sample collected for purposes of DNA testing.

Every juvenile arrested for an act which, if committed by an adult, would constitute an offense enumerated in this subsection shall provide a DNA sample for purposes of DNA testing prior to the juvenile's release from custody.

f. On or after January 1, 2000 every person found not guilty by reason of insanity of murder pursuant to N.J.S.2C:11-3, manslaughter pursuant to N.J.S.2C:11-4, aggravated assault of the second degree pursuant to para-

graph (1) or (6) of subsection b. of N.J.S.2C:12-1, kidnapping pursuant to N.J.S.2C:13-1, luring or enticing a child in violation of P.L.1993, c.291 (C.2C:13-6), engaging in sexual conduct which would impair or debauch the morals of a child pursuant to N.J.S.2C:24-4, or any attempt to commit any of these crimes, or adjudicated not delinquent by reason of insanity for an act which, if committed by an adult, would constitute one of these crimes, shall have a blood sample drawn or other biological sample collected for purposes of DNA testing.

g. Every person convicted or found not guilty by reason of insanity of a crime shall have a blood sample drawn or other biological sample collected for purposes of DNA testing. If the person is sentenced to a term of imprisonment or confinement, the person shall have a blood sample drawn or other biological sample collected for purposes of DNA testing upon commencement of the period of imprisonment or confinement. If the person is not sentenced to a term of imprisonment or confinement, the person shall provide a DNA sample as a condition of the sentence imposed. A person who has been convicted or found not guilty by reason of insanity of a crime prior to the effective date of P.L.2003, c.183 and who, on the effective date, is serving a sentence of imprisonment, probation, parole or other form of supervision as a result of the crime or is confined following acquittal by reason of insanity shall provide a DNA sample before termination of imprisonment, probation, parole, supervision or confinement, as the case may be.

h. Every juvenile adjudicated delinquent, or adjudicated not delinquent by reason of insanity, for an act which, if committed by an adult, would constitute a crime shall have a blood sample drawn or other biological sample collected for purposes of DNA testing. If under the order of disposition the juvenile is sentenced to some form of imprisonment, detention or confinement, the juvenile shall have a blood sample drawn or other biological sample collected for purposes of DNA testing upon commencement of the period of imprisonment, detention or confinement. If the order of disposition does not include some form of imprisonment, detention or confinement, the juvenile shall provide a DNA sample as a condition of the disposition ordered by the court. A juvenile who, prior to the effective date of P.L.2003, c.183, has been adjudicated delinquent, or adjudicated not delinquent by reason of insanity for an act which, if committed by an adult, would constitute a crime and who on the effective date is under some form of imprisonment, detention, confinement, probation, parole or any other form of supervision as a result of the offense or is confined following an adjudication of not delinquent by reason of insanity shall provide a DNA

sample before termination of imprisonment, detention, supervision or confinement, as the case may be.

i. Nothing in this act shall be deemed to limit or preclude collection of DNA samples as authorized by court order or in accordance with any other law.

3. Section 6 of P.L.1994, c.136 (C.53:1-20.22) is amended to read as follows:

C.53:1-20.22 Drawing of DNA samples; conditions.

6. a. Each blood sample required to be drawn or biological sample collected pursuant to section 4 of P.L.1994, c.136 (C.53:1-20.20) from persons who are incarcerated shall be drawn or collected at the place of incarceration. The law enforcement agency that effects an arrest for which DNA testing is required pursuant to P.L.2011, c.104 shall collect a DNA sample from the arrestee prior to the arrestee's release or incarceration. DNA samples from persons who are not sentenced to a term of confinement shall be drawn or collected at a prison or jail unit to be specified by the sentencing court. DNA samples from persons who are adjudicated delinquent shall be drawn or collected at a prison or jail identification and classification bureau specified by the family court.

b. Only a correctional health nurse technician, physician, registered professional nurse, licensed practical nurse, laboratory or medical technician, phlebotomist or other health care worker with phlebotomy training shall draw any blood sample to be submitted for analysis, and only a correctional health nurse technician, physician, registered professional nurse, licensed practical nurse, laboratory or medical technician or person who has received biological sample collection training in accordance with protocols adopted by the Attorney General, in consultation with the Department of Corrections, shall collect or supervise the collection of any other biological sample to be submitted for analysis. No civil liability shall attach to any person authorized to draw blood or collect a biological sample by this section as a result of drawing blood or collecting the sample from any person if the blood was drawn or sample collected according to recognized medical procedures. No person shall be relieved from liability for negligence in the drawing or collecting of any DNA sample. No sample shall be drawn or collected pursuant to section 4 of P.L.1994, c.136 (C.53:1-20.20) if the division has previously received a blood or biological sample from the convicted person or the juvenile adjudicated delinquent which was adequate for successful analysis and identification.

4. Section 9 of P.L.1994, c.136 (C.53:1-20.25) is amended to read as follows:

C.53:1-20.25 Expungement of records from State records; conditions.

9. a. (1) (i) Any person whose DNA record or profile has been included in the State DNA database and whose DNA sample is stored in the State DNA databank may apply for expungement on the grounds that the conviction that resulted in the inclusion of the person's DNA record or profile in the State database or the inclusion of the person's DNA sample in the State databank has been reversed and the case dismissed. The person, either individually or through an attorney, may apply to the court for expungement of the record. A copy of the application for expungement shall be served on the prosecutor for the county in which the conviction was obtained not less than 20 days prior to the date of the hearing on the application. A certified copy of the order reversing and dismissing the conviction shall be attached to an order expunging the DNA record or profile insofar as its inclusion rests upon that conviction.

(ii) Any person whose DNA record or profile has been included in the State DNA database and whose DNA sample is stored in the State DNA databank may apply for expungement on the grounds that all charges resulting from the arrest that provided the basis for inclusion of the person's DNA record or profile in the State database or the inclusion of the person's DNA sample in the State databank have been dismissed or have been resolved through an acquittal at trial. The person, either individually or through an attorney, may apply to the court for expungement of the record. A copy of the application for expungement shall be served on the prosecutor for the county in which the charge was brought not less than 20 days prior to the date of the hearing on the application. A certified copy of the order of dismissal shall be attached to an order expunging the DNA record or profile insofar as its inclusion rests upon the arrest which resulted in those charges.

(2) (i) Any juvenile adjudicated delinquent whose DNA record or profile has been included in the State DNA database and whose DNA sample is stored in the State DNA databank may apply for expungement on the grounds that the adjudication that resulted in the inclusion of the juvenile's DNA record or profile in the State database or the inclusion of the juvenile's DNA sample in the State databank has been reversed and the case dismissed. The juvenile adjudicated delinquent, either individually or through an attorney, may apply to the court for expungement of the record. A copy of the application for expungement shall be served on the prosecutor for the county in which the conviction was obtained not less than 20 days prior to the date

of the hearing on the application. A certified copy of the order reversing and dismissing the adjudication shall be attached to an order expunging the DNA record or profile insofar as its inclusion rests upon that conviction.

(ii) Any juvenile whose DNA record or profile has been included in the State DNA database and whose DNA sample is stored in the State DNA databank may apply for expungement on the grounds that all charges resulting from the arrest that provided the basis for inclusion of the juvenile's DNA record or profile in the State database or the inclusion of the juvenile's DNA sample in the State databank have been dismissed or have resulted in an acquittal at trial. The juvenile, either individually or through an attorney, may apply to the court for expungement of the record. A copy of the application for expungement shall be served on the prosecutor for the county in which the charge was brought not less than 20 days prior to the date of the hearing on the application. A certified copy of the order of dismissal shall be attached to an order expunging the DNA record or profile insofar as its inclusion rests upon the arrest which resulted in those charges.

(3) (i) Any person found not guilty by reason of insanity, or adjudicated not delinquent by reason of insanity, whose DNA record or profile has been included in the State DNA database and whose DNA sample is stored in the State DNA databank may apply for expungement on the grounds that the judgment that resulted in the inclusion of the person's DNA record or profile in the State database or the inclusion of the person's DNA sample in the State databank has been reversed and the case dismissed. The person, either individually or through an attorney, may apply to the court for expungement of the record. A copy of the application of expungement shall be served on the prosecutor for the county in which the judgment was obtained not less than 20 days prior to the date of the hearing on the application. A certified copy of the order reversing and dismissing the judgment shall be attached to an order expunging the DNA record or profile insofar as its inclusion rests upon that conviction.

(ii) Any person found not guilty by reason of insanity, or adjudicated not delinquent by reason of insanity, whose DNA record or profile has been included in the State DNA database and whose DNA sample is stored in the State DNA databank may apply for expungement on the grounds that all charges resulting from the arrest that provided the basis for inclusion of the person's DNA record or profile in the State database or the inclusion of the person's DNA sample in the State databank have been dismissed or have been resolved through an acquittal at trial. The person, either individually or through an attorney, may apply to the court for expungement of the record. A copy of the application for expungement shall be served on the prosecutor

for the county in which the charge was brought not less than 20 days prior to the date of the hearing on the application. A certified copy of the order of dismissal shall be attached to an order expunging the DNA record or profile insofar as its inclusion rests upon the arrest which resulted in those charges.

b. Upon receipt of an order of expungement and unless otherwise provided, the division shall purge the DNA record and all other identifiable information from the State database and the DNA sample stored in the State databank covered by the order. If the entry in the database reflects more than one conviction or adjudication, that entry shall not be expunged unless and until the person or the juvenile adjudicated delinquent has obtained an order of expungement for each conviction or adjudication on the grounds contained in subsection a. of this section. If one of the bases for inclusion in the DNA database was other than conviction or adjudication, that entry shall not be subject to expungement.

C.2C:29-11 Refusal to allow blood, biological sample to be drawn; fourth degree crime.

5. A person or juvenile who knowingly refuses to allow a blood sample to be drawn or a biological sample to be collected pursuant to the provisions of the "DNA Database and Databank Act of 1994," P.L.1994, c.136 (C.53:1-20.17 et seq.) is guilty of a crime of the fourth degree.

6. This act shall take effect on the first day of the 18th month following enactment, but the Attorney General and the Superintendent of State Police may take such anticipatory administrative action in advance as shall be necessary for the implementation of this act.

Approved August 18, 2011.

CHAPTER 105

AN ACT appropriating moneys to the Department of Environmental Protection from the "Clean Waters Fund" for a wastewater treatment project.

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

1. There is appropriated to the Department of Environmental Protection from the "Clean Waters Fund" created pursuant to section 14 of the "Clean Waters Bond Act of 1976," P.L.1976, c.92, the sum of \$3,542,161 to

be used by the Division of Property Management and Construction in the Department of the Treasury for the costs associated with the construction and upgrade of the wastewater treatment system located at the former Marlboro Psychiatric Hospital.

2. There is appropriated to the Department of Environmental Protection the sum of \$25,440 from loan repayments previously appropriated to the department from the "Clean Waters Fund," created pursuant to section 14 of the "Clean Waters Bond Act of 1976," P.L.1976, c.92, for State loans pursuant to section 1 of P.L.1981, c.234, to be used for the costs associated with the construction and upgrade of the wastewater treatment system located at the former Marlboro Psychiatric Hospital.

3. This act shall take effect immediately.

Approved August 18, 2011.

CHAPTER 106

AN ACT concerning forensic sexual assault examinations and amending P.L.1981, c.256 and P.L.2001, c.81.

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

1. Section 1 of P.L.1981, c.256 (C.52:4B-22) is amended to read as follows:

C.52:4B-22 Information booklets, pamphlets.

1. a. Every State, county, and municipal police department and hospital or other place of emergency medical care shall have available and shall post in a public place information booklets, pamphlets or other pertinent written information, to be supplied by the Victims of Crime Compensation Agency, relating to the availability of crime victims' compensation including all necessary application blanks required to be filed with the agency.

b. Included in the information supplied by the Victims of Crime Compensation Agency shall be information for victims of sexual offenses. This information shall contain the location of rape crisis centers in all geographical areas throughout the State and shall instruct victims of sexual offenses that if a rape crisis center is not available in a victim's immediate geographical area, the victim may contact the appropriate county victim-

witness coordinator appointed by the Chief of the Office of Victim-Witness Advocacy established pursuant to P.L.1985, c.404 (C.52:4B-39 et seq.). The information shall also provide that victims will not be charged any fee for services that are directly associated with a forensic sexual assault examination, including routine medical screening, medications for prophylaxis of sexually transmitted infections, pregnancy tests, emergency contraception, supplies, equipment and use of space.

Unless the victim requires immediate medical attention, this information shall be personally conveyed to the victim of a sexual offense by a representative of the hospital or place of emergency care before a medical examination of the victim is conducted, or by a representative of the police department before the victim's statement is taken, to afford the victim the opportunity to arrange to have assistance from the rape crisis center or county victim-witness coordinator during these procedures. Hospitals shall be held harmless from suits emanating from a hospital's carrying out the obligation to convey information to victims of sexual offenses.

"Rape crisis center" means an office, institution or center offering assistance to victims of sexual offenses through crisis intervention, medical and legal information and follow-up counseling.

c. Every police department shall, upon the filing of a report of a violent crime, make available to any victim information concerning crime victims' compensation.

2. Section 4 of P.L.2001, c.81 (C.52:4B-52) is amended to read as follows:

C.52:4B-52 Duties of program coordinator; "rape care advocate" defined.

4. The program coordinator shall:

a. Coordinate the county Sexual Assault Nurse Examiner program in accordance with standard protocols for the provision of information and services to victims of sexual assault developed by the Attorney General pursuant to subsection d. of section 6 of P.L.1985, c.404 (C.52:4B-44);

b. Perform forensic sexual assault examinations on victims of sexual assault in accordance with the standards developed by the Attorney General and appropriate medical and nursing standards of care;

c. Designate one or more licensed physicians or certified forensic sexual assault nurse examiners to perform forensic sexual assault examinations on victims of sexual assault in accordance with the standards developed by the Attorney General and appropriate medical and nursing standards of care;

d. Develop and implement standardized guidelines for forensic sexual assault examinations performed by designated physicians or certified forensic sexual assault nurse examiners in the county;

e. Develop and implement a standardized education and training program to provide instruction to members of the county Sexual Assault Response Team established pursuant to section 6 of this act which shall include, but not be limited to, instruction in the following areas:

(1) the importance of a coordinated, multi-disciplinary response to a report of sexual assault;

(2) the policies and procedures which govern the responsibilities of each team member;

(3) the psychological effects of sexual assault and rape trauma syndrome on the victim and the victim's family and friends;

(4) the collection, handling and documentation of forensic evidence; and

(5) confidentiality issues associated with the treatment of a victim of sexual assault and the investigation of a report of sexual assault;

f. Establish, in cooperation with licensed health care facilities, private waiting rooms and areas designated for forensic sexual assault examinations and the provision of rape care services in the licensed health care facilities participating in the program;

g. Develop, in cooperation with licensed health care facilities, protocols for the storage of forensic evidence;

h. Provide appropriate services to victims of sexual assault, including the opportunity to tend to personal hygiene needs, obtain fresh clothing and speak with a rape care advocate prior to and during any medical procedure or law enforcement investigation, unless the victim requires immediate medical attention, as appropriate;

i. Collaborate with law enforcement officials and the county rape care program to ensure that the needs of victims of sexual assault are met in a compassionate manner;

j. Participate in regular meetings of the Sexual Assault Nurse Examiner Program Coordinating Council established pursuant to section 7 of this act; and

k. Develop and implement procedures to ensure that victims of sexual assault are not charged any fee for services that are directly associated with forensic sexual assault examinations, including routine medical screening, medications for prophylaxis of sexually transmitted infections, pregnancy tests, emergency contraception, supplies, equipment and use of space.

As used in this section and section 6 of this act, "rape care advocate" means a victim counselor, as defined pursuant to section 3 of P.L.1987, c.169 (C.2A:84A-22.14), who specializes in the provision of rape care services.

3. This act shall take effect immediately.

Approved August 18, 2011.

CHAPTER 107

AN ACT concerning power vessel operation and amending P.L.1987, c.453.

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

1. Section 2 of P.L.1987, c.453 (C.12:7-61) is amended to read as follows:

C.12:7-61 Operation of power vessels, personal watercraft; boat safety course requirements; violations.

2. a. A person who is under 16 years of age shall not operate a power vessel on the waters of this State, except that:

(1) a person who is under 16 years of age but at least 13 years of age and possesses a certificate certifying that person's successful completion of a boat safety course approved by the Superintendent of State Police in the Department of Law and Public Safety may operate:

(a) a power vessel powered solely by an electric motor; or

(b) a power vessel which is 12 feet or greater in length and powered by a motor, or combination of motors, of less than 10 horsepower;

(2) A person who is under 16 years of age and has successfully completed an approved boat safety course prior to July 1, 1996 may operate a power vessel on the tidal waters of this State, provided that the person complies with all other requirements of law, rule and regulation;

(3) A person who is under 16 years of age and was issued an operator's license pursuant to section 7 of P.L.1954, c.236 (C.12:7-34.7) before July 1, 1996 may operate a power vessel equipped with an outboard motor until the expiration date of that license; and

(4) A person who is under 16 years of age but at least 13 years of age and who possesses a certificate certifying the person's successful completion of a boat safety course approved by the Superintendent of State Police in the Department of Law and Public Safety, or a person under 16 years of age but at least 13 years of age who is an out-of-State resident or resident of a foreign country who possesses proof of successful completion of a boat safety course as provided in paragraph (2) of subsection b. of this section

may operate a power vessel on the tidal waters of this State while actually competing in an authorized race held under the auspices of a duly incorporated yacht club or racing association conducted under the rules of a national boat racing association in accordance with rules and regulations prescribed by the New Jersey Boat Regulation Commission in consultation with the Division of State Police in the Department of Law and Public Safety and pursuant to a permit issued by that division. Such permit may include limitations on age, vessel type, and horsepower.

b. As provided in the schedule set forth in section 7 of P.L.2005, c.292 (C.12:7-61.1), as of June 1, 2009, a person who is 16 years of age or older shall not operate a power vessel, including a personal watercraft, on the waters of this State without having completed a boat safety course approved by the Superintendent of State Police in the Department of Law and Public Safety, except that:

(1) (Deleted by amendment, P.L.2005, c.292).

(2) an out-of-State resident, or a resident of a foreign country who is 16 years of age or older and who will be in this State for less than 90 days may operate a power vessel on the waters of this State, without having completed a boat safety course approved by the Superintendent of State Police in the Department of Law and Public Safety if the person presents:

(i) written proof of successful completion of a boat safety course endorsed or approved by another state, the National Association of State Boating Law Administrators or its successor organization, or the United States Coast Guard;

(ii) written proof of successful completion of a boat safety course substantially similar to the boat safety course required pursuant to this section as determined by the Superintendent of State Police; or

(iii) a boat safety certificate issued by the state or country in which the person resides;

(3) a person who is 18 years of age or older may operate on the waters of this State, without having completed a boat safety course approved by the Superintendent of State Police in the Department of Law and Public Safety, a rented power vessel that is not a personal watercraft, under the following conditions:

(a) the person rents the power vessel from a business engaged in renting power vessels for use on the waters of the State;

(b) the person has successfully completed a State-approved pre-rental instruction course provided by the owner or lessor of the power vessel prior to operating the power vessel on the waters of the State; and

(c) the owner of the power vessel rental business is experienced in the operation of power vessels and has successfully completed a boat safety course approved by the Superintendent of State Police in the Department of Law and Public Safety.

(4) A person required to take the boat safety course pursuant to this section and section 7 of P.L.2005, c.292 (C.12:7-61.1) who purchases a power vessel that is not a personal watercraft at a boat dealership may operate that power vessel for 30 days without having completed a boat safety course approved by the Superintendent of State Police in the Department of Law and Public Safety provided that the person successfully completes a State-approved pre-purchase instruction course provided by the owner or operator of the boat dealership prior to operating the power vessel, and the owner or operator of the boat dealership is experienced in the operation of power vessels and has successfully completed a boat safety course approved by the Superintendent of State Police. The State-approved pre-purchase instruction course required by this paragraph shall be a uniform, standardized course developed by the Superintendent of State Police. The State-approved pre-purchase instruction course shall not replace the requirement that a person shall successfully complete an approved boat safety course pursuant to the other provisions of P.L.2005, c.292 (C.12:7-61.1 et al.). The provisions of this paragraph shall not apply to a person purchasing a power vessel from another private party.

(5) A person holding a United States Coast Guard operator's license may operate a power vessel on the waters of this State without having completed a boat safety course approved by the Superintendent of State Police in the Department of Law and Public Safety.

The Superintendent of State Police shall establish appropriate guidelines to implement the provisions of this subsection.

c. Except as provided pursuant to section 18 of P.L.1995, c.401 (C.12:7-86), a person shall not operate a personal watercraft on the waters of this State without having successfully completed a boat safety course approved by the Superintendent of State Police in the Department of Law and Public Safety or a written test pursuant to section 8 of P.L.2005, c.292 (C.12:7-61.2).

d. Whenever a person who is required by this section or by section 7 of P.L.1995, c.401 (C.12:7-76), section 3 or 4 of P.L.1952, c.157 (C.12:7-46 or C.12:7-47), or section 9 of P.L.1986, c.39 (C.12:7-57) to have completed a boat safety course operates a power vessel or personal watercraft, as appropriate, on the waters of this State, that person shall have in possession a certificate certifying that person's successful completion of a boat safety

course approved by the superintendent and shall, when requested to do so, exhibit the certificate to a law enforcement or peace officer of this State. Failure of the person to exhibit the certificate is presumptive evidence that the person has not completed an approved boat safety course.

e. A person who violates subsection a., b., c. or d. of this section or who exhibits to a law enforcement or peace officer a certificate of completion of an approved boat safety course of another person is subject to a fine of not less than \$100 nor more than \$500.

f. A person who owns or has control or custody of a power vessel and allows the power vessel to be operated on the waters of this State by a person who is required pursuant to the provisions of this section to possess a certificate certifying successful completion of a boat safety course but who does not possess such certificate is subject to a fine of not more than \$100.

g. A person making application to the Chief Administrator of the New Jersey Motor Vehicle Commission for a power vessel operator's license issued pursuant to section 3 of P.L.1995, c.401 (C.12:7-72) who is required pursuant to the provisions of this section to possess a certificate certifying successful completion of a boat safety course shall submit proof of successful completion of the course or the written examination for experienced boaters with the application. The chief administrator shall not issue a power vessel operator's license to such person who fails to submit this proof. A permanent State of New Jersey boating safety certificate or a temporary boating safety certificate issued on a Division of State Police application for boating safety certificate form shall satisfy this requirement.

2. This act shall take effect immediately.

Approved August 18, 2011.

CHAPTER 108

AN ACT authorizing credit unions to serve as public depositories and amending and supplementing P.L.1970, c.236 and amending P.L.1984, c.171.

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

1. Section 1 of P.L.1970, c.236 (C.17:9-41) is amended to read as follows:

C.17:9-41 Definitions.

1. In this act, unless the context otherwise requires:

"Adequately capitalized" means, with respect to a public depository, "adequately capitalized" as the term is defined in subsection (b) of section 38 of the "Federal Deposit Insurance Act," Pub.L.81-797 (12 U.S.C. s.1831o(b)), or subsection (c) of section 216 of title II of the "Federal Credit Union Act," Pub.L.73-467 (12 U.S.C. s.1790d(c)), as applicable, and their implementing regulations;

"Association" means any State or federally chartered savings and loan association;

"Capital funds" means (a) in the case of a State bank or national bank or capital stock savings bank, the aggregate of the capital stock, surplus and undivided profits of the bank or savings bank; (b) in the case of a mutual savings bank, the aggregate of the capital deposits, if any, and the surplus of the savings bank; (c) in the case of an association, the aggregate of all reserves required by any law or regulation, and the undivided profits, if any, of the association; and (d) in the case of a credit union, the aggregate of all reserves required by any law or regulation, and the capital deposits of the credit union;

"Commissioner" means the Commissioner of Banking and Insurance;

"Credit union" means a credit union as defined by section 2 of P.L.1984, c.171 (C.17:13-80);

"Critically undercapitalized" means, with respect to a public depository, "critically undercapitalized" as the term is defined in subsection (b) of section 38 of the "Federal Deposit Insurance Act," Pub.L.81-797 (12 U.S.C. s.1831o(b)), or subsection (c) of section 216 of title II of the "Federal Credit Union Act," Pub.L.73-467 (12 U.S.C. s.1790d(c)), as applicable, and their implementing regulations;

"Defaulting depository" means a public depository as to which an event of default has occurred;

"Eligible collateral" means:

(a) Obligations of any of the following:

(1) The United States;

(2) Any agency or instrumentality of the United States, including, but not limited to, the Student Loan Marketing Association, the Government National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, the Federal Housing Administration and the Small Business Administration;

(3) The State of New Jersey or any of its political subdivisions;

(4) Any other governmental unit; or

(b) Obligations guaranteed or insured by any of the following, to the extent of that insurance or guaranty:

(1) The United States;

(2) Any agency or instrumentality of the United States, including, but not limited to, the Student Loan Marketing Association, the Government National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, the Federal Housing Administration and the Small Business Administration;

(3) The State of New Jersey or any of its political subdivisions; or

(c) Obligations now or hereafter authorized by law as security for public deposits;

(d) Obligations in which the State, political subdivisions of the State, their officers, boards, commissions, departments and agencies may invest pursuant to an express authorization under any law authorizing the issuance of those obligations;

(e) Obligations, letters of credit, or other securities or evidence of indebtedness constituting the direct and general obligation of a federal home loan bank or federal reserve bank; or

(f) Any other obligations as may be approved by the commissioner by regulation or by specific approval;

"Event of default" means issuance of an order of a supervisory authority or of a receiver restraining a public depository from making payments of deposit liabilities;

"Governmental unit" means any county, municipality, school district or any public body corporate and politic created or established under any law of this State by or on behalf of any one or more counties or municipalities, or any board, commission, department or agency of any of the foregoing having custody of funds;

"Maximum liability" of a public depository means, with respect to any event of default, a sum equal to 4% of the average daily balance of collected public funds held on deposit by the depository during the three-month period ending on the last day of the month immediately preceding the occurrence of the event of default that exceed the amount of such public fund deposits that are insured by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund, or by any other agency of the United States which insures deposits made in public depositories;

"Net deposit liability" means the deposit liability of a defaulting depository to a governmental unit after deduction of any deposit insurance with respect thereto;

"Obligations" means any bonds, notes, capital notes, bond anticipation notes, tax anticipation notes, temporary notes, loan bonds, mortgage related securities, or mortgages;

"Public depository" means a State or federally chartered bank, savings bank, credit union, or an association located in this State or a state or federally chartered bank, savings bank, credit union, or an association located in another state with a branch office in this State, the deposits of which are insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund and which receives or holds public funds on deposit;

"Public funds" means the funds of any governmental unit, but does not include deposits held by the State of New Jersey Cash Management Fund;

"Significantly undercapitalized" means, with respect to a public depository, "significantly undercapitalized" as the term is defined in subsection (b) of section 38 of the "Federal Deposit Insurance Act," Pub.L.81-797 (12 U.S.C. s.1831o(b)), or subsection (c) of section 216 of title II of the "Federal Credit Union Act," Pub.L.73-467 (12 U.S.C. s.1790d(c)), as applicable, and their implementing regulations;

"Undercapitalized" means, with respect to a public depository, "undercapitalized" as the term is defined in subsection (b) of section 38 of the "Federal Deposit Insurance Act," Pub.L.81-797 (12 U.S.C. s.1831o(b)), or subsection (c) of section 216 of title II of the "Federal Credit Union Act," Pub.L.73-467 (12 U.S.C. s.1790d(c)), as applicable, and their implementing regulations;

"Valuation date" means March 31, June 30, September 30, and December 31;

"Well capitalized" means, with respect to a public depository, "well capitalized" as the term is defined in subsection (b) of section 38 of the "Federal Deposit Insurance Act," Pub.L.81-797 (12 U.S.C. s.1831o(b)), or subsection (c) of section 216 of title II of the "Federal Credit Union Act," Pub.L.73-467 (12 U.S.C. s.1790d(c)), as applicable, and their implementing regulations.

2. Section 4 of P.L.1970, c.236 (C.17:9-44) is amended to read as follows:

C.17:9-44 Amount of collateral required as security; exceptions.

4. a. (1) No public depository, notwithstanding the collateral requirements set forth under section 3 of P.L.2009, c.326 (C.17:9-43.1), shall be required to maintain any eligible collateral pursuant to this act as security for any deposit or deposits of any governmental unit to the extent that such de-

posit or deposits are insured by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund, or by any other agency of the United States which insures deposits made in public depositories.

(2) In the case of any public depository which has not held public funds on deposit for all of a three-month period as measured pursuant to the provisions of section 3 of P.L.2009, c.326 (C.17:9-43.1), the commissioner shall, notwithstanding the provisions of that section, prescribe the amount of eligible collateral required to be maintained.

(3) Depositories shall have the right to make substitutions of eligible collateral at any time. The income from eligible collateral shall belong to the public depository without restriction.

b. (Deleted by amendment, P.L.2009, c.326)

c. All collateral required to be maintained shall be deposited with any Federal Reserve Bank or Federal Home Loan Bank, or any other banking institution located in this State or a contiguous state as authorized by regulation of the commissioner, and which has capital funds of not less than \$25,000,000.00. Notwithstanding the foregoing, the commissioner may authorize public depositories to hold and maintain the required collateral in such a manner as he deems consistent with the purposes of this act.

d. The market value of eligible collateral maintained pursuant to this section on any valuation date shall be presumed to be the market value of such collateral continuing until the next succeeding valuation date.

3. Section 5 of P.L.1970, c.236 (C.17:9-45) is amended to read as follows:

C.17:9-45 Proceedings after determination of default; pro rata distribution of collateral; assessment of other public depositories for deficiency.

5. When the commissioner determines that an event of default has occurred, he shall proceed in the following manner:

a. Within 20 days after the occurrence of the event of default, he shall ascertain the amount of public funds on deposit in the defaulting depository as disclosed by its records and the amount thereof covered by federal deposit insurance and certify the amounts thereof to each affected governmental unit;

b. Within 10 days after receipt of such certification, each such governmental unit shall furnish to the commissioner verified statements of its public deposits in such defaulting depository as disclosed by its records;

c. Upon receipt of such certificate and statements, he shall ascertain and fix the amount of such public funds on deposit in such defaulting depository, net after deduction of any deposit insurance;

d. He shall ascertain the amount derived or to be derived from the liquidation of the collateral maintained by the defaulting depository pursuant to section 4 of this act, and shall distribute such proceeds pro rata among the governmental units affected to the extent necessary to satisfy the net deposit liabilities to such governmental units;

e. If the proceeds of the sale of the collateral of a defaulting depository which is a State bank, a national bank, a savings bank, or a credit union are insufficient to pay in full the net deposit liability of such depository to all affected governmental units, he shall assess the deficiency against all other such public depositories having public funds on deposit as of the occurrence of the event of default in the proportion that the maximum liability of each such other public depository bears to the aggregate of the maximum liabilities of all such other depositories, but no such assessment shall exceed the maximum liability of any such other depository;

f. If the proceeds of the sale of the collateral of a defaulting depository which is an association are insufficient to pay in full the net deposit liability of such depository to all affected governmental units, he shall assess the deficiency against all such other public depositories having public funds on deposit as of the occurrence of the event of default in the proportion that the maximum liability of each such other public depository bears to the aggregate of the maximum liabilities of all such other depositories, but no such assessment shall exceed the maximum liability of any such other depository;

g. Assessments so made by the commissioner shall be payable on the fifth day following the demand therefor by the commissioner. On default of such payment by any such other public depository, the commissioner shall take possession of and liquidate so much of the eligible collateral maintained by such depository as shall be necessary to satisfy the assessment so made. If the proceeds of the liquidation of the eligible security are insufficient to pay such assessment in full, the commissioner may sue to recover the amount of the deficiency within the limits of the depository's maximum liability.

h. All sums so collected by the commissioner shall be paid by him to the governmental units having deposits in the defaulting depository in the proportion that the net deposit liability to each such governmental unit bears to the aggregate of the net deposit liabilities to all such governmental units;

i. No State bank, national bank, savings bank, or credit union shall be liable with respect to the occurrence of an event of default of an association, and no association shall be liable with respect to the occurrence of an event of default of a State bank, a national bank, a savings bank, or a credit union.

4. Section 11 of P.L.1984, c.171 (C.17:13-89) is amended to read as follows:

C.17:13-89 Powers.

11. A credit union's powers shall include, but not be limited to, the power to:

- a. Make contracts;
- b. Sue and be sued;
- c. Adopt and use a common seal and alter same;
- d. Acquire, lease, hold, assign, pledge, hypothecate, sell and otherwise dispose of property, either in whole or in part, necessary or incidental to its operations;
- e. Offer its members and other credit unions, shares, share certificates, deposits, deposit certificates, or share drafts as provided in this act;
- f. Lend its funds to its members as hereinafter provided;
- g. Borrow money from any source, provided that a credit union shall notify the commissioner in writing of its intention to borrow in excess of an aggregate of 50% of its shares and undivided earnings;
- h. Discount or sell any of its assets, and purchase the assets of another credit union, subject to the approval of the commissioner;
- i. Make deposits and invest in legally chartered banks, savings banks, savings and loan associations, trust companies, and other credit unions, including corporate credit unions, and invest funds as otherwise provided in this act;
- j. Hold membership in other credit unions organized under this act, and in associations and organizations controlled by or fostering the interests of credit unions, including a central liquidity facility organized under state or federal law;
- k. Act as fiscal agent for and receive payment on shares or deposits, or both, from the federal government, this State, or any agency or political subdivision thereof;
- l. Have and exercise all the powers of corporations organized under Title 14A of the New Jersey Statutes which are not inconsistent with this act;
- m. Maintain service facilities, including automated terminals at locations other than its principal office upon the approval of the commissioner. The maintenance of these facilities shall be reasonably necessary to furnish service to its members. A credit union may join with one or more financial institutions in the operation of a service facility to meet member needs;

- n. Contract with outside vendors to make insurance and group purchasing plans available to its members and receive compensation from the vendors in return for performing administrative functions on their behalf;
- o. Participate in loans to credit union members jointly with other credit unions, credit union organizations, or financial institutions, provided that the originating credit union retains an interest of at least 10% of the face amount of the loan;
- p. Participate in any guaranteed loan program of the federal or state government;
- q. Purchase the conditional sales contracts, notes, and similar instruments of its members;
- r. Purchase and maintain insurance on behalf of any person who is an officer, director, employee, or agent of the credit union;
- s. Collect, receive and disburse monies in connection with the providing of negotiable checks, money orders, travelers' checks, and similar instruments, and for any other purposes which may provide benefit or convenience to its members, and to charge a reasonable fee for these services;
- t. Declare dividends to its members, as provided in the bylaws or by rules and regulations of the commissioner;
- u. Participate in government programs designed to alleviate social and economic problems at the community, state, or regional levels; and
- v. Act as a public depository pursuant to the provisions of the "Governmental Unit Deposit Protection Act," P.L.1970, c.236 (C.17:9-41 et seq.).

C.17:9-43.2 Designation of nonprofit organization as recipient of funds.

5. a. Within six months of the effective date of this section, the Department of Education, in consultation with the Department of Banking and Insurance, shall designate a nonprofit corporation, organized under the "New Jersey Nonprofit Corporation Act," N.J.S.15A:1-1 et seq., and with a history and experience in promoting financial education and financial literacy and delivering financial education and financial literacy services, to serve as the recipient of the funds due from credit unions pursuant to subsection b. of this section. The designation by the department:

(1) shall include any requirements determined by the Department of Education to be necessary to insure proper oversight of the expenditure of the funds by the nonprofit corporation for financial education and financial literacy purposes; and

(2) may include a requirement that the nonprofit corporation provide funding for the high school pilot program in personal financial literacy es-

tablished pursuant to section 1 of P.L.2009, c.153 (C.18A:6-115) or any expansion of that program.

b. (1) The chief financial officer of a credit union that qualifies as a public depository pursuant to P.L.1970, c.236 (C.17:9-41 et seq.) shall transmit to the Department of Banking and Insurance with each fourth quarter report required annually pursuant to section 3 of P.L.1970, c.326 (C.17:9-43) a written certification that the credit union has forwarded to the nonprofit corporation designated pursuant to subsection a. of this section a sum equal to the average daily balance, if the average daily balance is in excess of \$2 million, for the preceding year of the public funds on deposit at the credit union, multiplied by the appropriate factor, as determined in accordance with the following schedule:

(a) an average daily balance in excess of \$2 million but less than \$25 million: multiply by a factor of .0005.

(b) an average daily balance of \$25 million or over but less than \$50 million: multiply by a factor of .00075.

(c) an average daily balance of \$50 million or over: multiply by a factor of .0010.

However, in no event, shall a credit union be required to forward a sum in excess of \$100,000 in any one year.

(2) The certification shall comply with any requirements determined by the department to be necessary for the calculation and transmission of such funds.

c. The Department of Education may adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) any rules and regulations necessary to implement the provisions of subsection a. of this section. The Department of Banking and Insurance may adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) any rules and regulations necessary to implement the provisions of subsection b. of this section.

6. This act shall take effect immediately.

Approved August 18, 2011.

CHAPTER 109

AN ACT concerning the disposition of unclaimed property on loan to a museum and supplementing Title 52 of the Revised Statutes.

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

C.46:30D-1 Short title.

1. This act shall be known and may be cited as the “Museum Unclaimed Loan Act.”

C.46:30D-2 Findings, declarations relative to unclaimed property on loan to a museum.

2. The Legislature finds and declares that the people of the State of New Jersey have an interest in the maintenance and growth of museum collections and in the preservation and protection of property on loan to museums within this State. Loans of property that are of artistic, historic, cultural, and scientific value are made to museums in furtherance of their educational and other charitable purposes. When lenders fail to stay in contact with museums with respect to property on loan, museums must store and care for the property long after the relevant loan period has expired or should reasonably be deemed expired. Museums have limited rights to the use and care of such property, all the while bearing substantial costs related to storage, record keeping, climate control, security, periodic inspection, insurance, and general overhead.

Therefore, it is in the public interest to encourage both museums and lenders to use due diligence in monitoring property on loan; resolve the issue of title to property on loan that is unclaimed and remains in the custody of museums; and allocate fairly the responsibilities between lenders and museums.

The purpose of this act, the Museum Unclaimed Loan Act, is to establish standards and procedures for the disposition of unclaimed property on loan to museums and this act should be interpreted in accordance with these findings and declarations.

C.46:30D-3 Definitions relative to unclaimed property on loan to a museum.

3. As used in this act:

“Claimant” means an individual, association, partnership, corporation, trust, estate, or other entity, other than the lender of record, claiming or establishing title to or an interest in property that is on loan to a museum.

“Lender” means an individual, association, partnership, corporation, trust, estate, or other entity having title to or an interest in property on loan to a museum.

“Loan” means a deposit of property with a museum for a specified or unspecified period of time that does not involve a transfer of title to or interest in the property.

“Museum” means a public or private nonprofit agency or institution, and any agency or institution of the State or a political subdivision of the State, located in the State of New Jersey that:

- is organized on a permanent basis;
- is operated primarily for cultural, aesthetic, educational, scientific, or historic preservation purposes;
- utilizes a professional staff;
- owns, borrows, cares for, exhibits, studies, archives, or catalogues tangible animate or inanimate objects; and
- makes them available to the public on a regular basis.

The term “museum” includes, but is not limited to: art, history, science, and natural history museums; educational institutions; historical societies; historic sites; landmarks; parks; archives; monuments; botanical gardens; arboreta; zoos; nature centers; planetaria; aquaria; libraries; and technology centers.

“Property” means tangible animate or inanimate objects.

C.46:30D-4 Notice of intent to terminate a loan of property.

4. a. Unless a written loan agreement specifically provides otherwise, a museum may give notice of its intent to terminate a loan of property under the following circumstances:

- the property is on loan to the museum for an indefinite period of time and the lender, or anyone acting legitimately on the lender’s behalf, has not contacted the museum with respect to the loan for at least ten years from the beginning date of the loan; or

- the property is on loan to the museum for a specified period of time and the lender, or anyone acting legitimately on the lender’s behalf, has not contacted the museum with respect to the loan for at least five years from the expiration date of the loan.

b. Any notice given by a museum pursuant to this act for the purpose of terminating a loan of property shall contain the following information:

- a description of the property in sufficient detail for ready identification;
- the last known name and address of the lender or a potential claimant;
- the date of the loan, if known, or the approximate date the property was deposited with the museum;
- the name and address of the museum; and
- the name, address, and contact information of the appropriate museum official or office to be contacted regarding the property.

C.46:30D-5 Notice to lender of intention to terminate a loan of property.

5. a. If a museum intends to terminate a loan of property, the museum shall give notice to the lender of its intention at the last known address of the lender. The museum shall undertake a reasonable search in good faith to identify the lender and the lender's last known address from the museum records and other records reasonably available to the museum. The same notice shall be given, and the same search shall be undertaken, by the museum if the museum has knowledge of the existence of a potential claimant.

If the museum identifies the lender or a potential claimant and the last known address of the lender or potential claimant, the notice shall be sent to the lender or potential claimant by certified mail, return receipt requested, to the last known address. Notice shall be deemed given if the museum receives a return receipt showing delivery to the lender or potential claimant within 30 days of the mailing of the notice. The date of a notice shall be deemed to be the date of delivery to the person to whom it was sent.

b. A notice of intent to terminate a loan of property sent to the lender or a potential claimant pursuant to subsection a. of this section shall include, in addition to the information required by subsection b. of section 4 of this act, a statement indicating:

- the intent of the museum to terminate the loan;
- the date of the notice;

- that the lender or potential claimant must contact the museum in order to establish title to or an interest in the property and make arrangements to take possession of the property; and

- that failure to contact the museum within 180 days after the date of the notice will result in the loss of title to or an interest in the property pursuant to section 7 of this act.

C.46:3D-6 Notice by publication of intent.

6. a. If a museum intends to terminate a loan of property and has been unable to give notice in accordance with section 5 of this act, the museum shall give notice by publication of intent to terminate a loan of property. Publication shall be by means of a notice placed at least twice, 60 or more days apart, in a newspaper of general circulation in the county or municipality in which the museum is located and in which the last known address of the lender, if known, is located.

b. A published notice of intent to terminate a loan shall include, in addition to the information required in sections 4 and 5 of this act, a request that any person who has knowledge of the lender or potential claimant and where the lender or potential claimant may be located should provide writ-

ten notice to the museum. If such a written notice is received by the museum, the museum shall provide the notice to the lender or potential claimant required pursuant to section 5 of this act.

c. In addition to the method of notice designated in subsection a. of this section, a museum may, whenever practicable, use an emerging technology to publish such a notice in order to reach as broad a circulation as possible.

C.46:30D-7 Acquisition of good title to property.

7. A museum shall acquire good title to property on loan to the museum under the following circumstances:

The museum provides, on or after the effective date of this act, notice pursuant to section 5 of this act and receives a return receipt showing delivery of the notice to the lender or a potential claimant within 30 days of the mailing of the notice, but the museum is not contacted by the lender or potential claimant within 180 days after the date of the notice; and

The museum provides, on or after the effective date of this act, notice by publication pursuant to section 6 of this act, but the museum is not contacted by the lender or potential claimant within 180 days of the date of the second or last notice by publication.

C.46:30D-8 Acquisition of good title by purchaser.

8. a. A person who purchases or otherwise acquires property from a museum acquires good title to the property if the museum has acquired good title to the property in accordance with this act.

b. No action shall be brought against a museum, or its officers, trustees, directors, employees, or agents, to recover property on loan to the museum after the museum has acquired good title in accordance with this act.

c. If there are two or more claimants to property on loan to a museum, the burden shall be upon each claimant to prove title to or an interest in the property. A museum shall not be held liable for delivering property to an uncontested claimant who produces reasonable proof of title to or an interest in the property satisfactory to the museum.

d. Unless there is evidence of bad faith or gross negligence, a museum shall not be prejudiced by reason of any failure to deal with a person who has title to or an interest in property on loan to the museum.

e. If there is a dispute as to the title to or an interest in property on loan to a museum, a museum shall not be held liable for its refusal to deliver the property except in accordance with a court order or judgment.

C.46:30D-9 Actions by museum relative to loan of property.

9. a. For a loan of property to a museum made on or after the effective date of this act, the museum shall, at the time of the loan:

- (1) make and retain a written record containing:
the name, address, and telephone number of the lender,
a description of the property in sufficient detail for ready identification,
the beginning date of the loan, and
the expiration date of the loan;

- (2) provide the lender with a signed receipt or agreement containing, at least, the information set forth in paragraph (1) of this subsection; and

- (3) inform the lender in writing of the existence of this act and provide the lender with a copy of this act upon the lender's request.

b. With respect to any property on loan to a museum, a museum shall:

- (1) update its record if a lender informs the museum of a change of address or change in the title to or interest in the property, or if the lender and museum negotiate a change in the duration of the loan; and

- (2) inform the lender in writing of the existence of this act when renewing or updating the record and provide the lender with a copy of this act upon the lender's request.

C.46:30D-10 Notification of change in address, title; proof established by purchaser.

10. a. The lender, or any purchaser, donee, successor, or other assignee of the lender's interest in the property, shall promptly notify the museum in writing of a change in the lender's address or of a change in the title to or interest in the property.

b. A purchaser, donee, successor, or other assignee of the lender's interest shall establish title to or interest in the property by producing reasonable proof satisfactory to the museum.

C.46:30D-11 Agreements between lender and museum; application of act.

11. a. A lender and museum may agree in writing to terms and conditions for a loan of property different than the provisions set forth in this act.

b. Except as otherwise specifically provided by law, regulation, or rule, property on loan to a museum shall not escheat to the State under any State unclaimed property law.

c. An interest in or right to property on loan to a museum other than that specifically addressed in this act shall not be affected by this act.

d. A museum shall have a lien for expenses incurred for the reasonable care of property on loan to the museum that is unclaimed after the museum complies, on or after the effective date of this act, with sections 4 and 5 of this act.

e. This act shall apply with regard to any property loaned to a museum before the effective date of this act.

12. This act shall take effect immediately.

Approved August 18, 2011.

CHAPTER 110

AN ACT concerning the removal of snow from private property and supplementing Title 39 of the Revised Statutes.

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

C.39:4-77.3 “Anti-Snow Dumping Act”; violations, penalties.

1. a. This act shall be known and may be cited as the “Anti-Snow Dumping Act.”

b. The commercial operator of any snowplow, or other snow removal equipment, clearing accumulated snow on private property shall not deposit, or cause to be deposited, such snow on any public road, street, or highway in this State or on public lands. A commercial operator of any snowplow or other snow removal equipment who fails to comply with the provisions of this section shall be liable to a fine of \$250 for the first offense, and for each subsequent offense, a fine of \$500.

2. This act shall take effect immediately.

Approved August 18, 2011.

CHAPTER 111

AN ACT designating the railroad station operated by the New Jersey Transit Corporation in the Borough of Red Bank as the "Daniel J. O'Hern Station – Red Bank, New Jersey."

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

1. The Legislature finds and declares:

a. The railroad station operated by the New Jersey Transit Corporation in the Borough of Red Bank is currently known as the "Red Bank Station."

b. Justice Daniel J. O'Hern, an extraordinary figure in the public life of New Jersey, was born in Red Bank, New Jersey on May 23, 1930 and passed away on April 1, 2009.

c. Justice O'Hern devotedly served the people of this State and the Borough of Red Bank as a revered member of the State's highest Court for nearly two decades; a chief counsel to the Governor; a commissioner in the executive branch; an elected mayor and councilman; an accomplished attorney; and a leader in civic affairs. Today, New Jersey and the Borough of Red Bank are better places because of him and his exceptional service.

d. After graduating from Fordham College, cum laude, Justice O'Hern served in the United States Navy from 1951 to 1954, during a time when the United States was at war in Korea.

e. After graduating from Harvard Law School in 1957, cum laude, Justice O'Hern served as a judicial clerk to United States Supreme Court Justice William J. Brennan, Jr., another native New Jerseyan.

f. Upon completing his clerkship, Justice O'Hern returned home to Red Bank where he practiced law and entered public life.

g. Justice O'Hern was elected councilman in Red Bank in 1962 and thereafter was elected mayor in 1969, serving in that position until 1978 when Governor Byrne appointed him Commissioner of Environmental Protection.

h. Governor Byrne later appointed Justice O'Hern as his chief counsel in 1979 before nominating him to the New Jersey Supreme Court in 1981, where he served until 2000.

i. It was during Justice O'Hern's time as chief counsel that the New Jersey Transit Corporation was founded.

j. Justice O'Hern achieved numerous accomplishments during his tenure as mayor and governed effectively during some challenging times, but one of his most remarkable achievements was leading the effort to preserve and refurbish the Red Bank Station, which ultimately led to the station being placed on the National Historic Register in 1976.

k. Justice O'Hern tirelessly dedicated his life to the people of Red Bank and the people of New Jersey.

l. It is fitting and proper that, in honor of Justice Daniel J. O'Hern's commitment to the people of Red Bank and the people of New Jersey, "Red Bank Train Station" be designated as the "Daniel J. O'Hern Station - Red Bank, New Jersey."

2. The railroad station operated by the New Jersey Transit Corporation (the "corporation") in the Borough of Red Bank and known as the "Red Bank Station" is designated as the "Daniel J. O'Hern Station – Red Bank, New Jersey" and shall henceforth ceremoniously be known by that name.

3. The corporation shall reflect the new designation of the station by a plaque to be installed at the station.

4. This act shall take effect on the 60th day following enactment.

Approved August 18, 2011.

CHAPTER 112

AN ACT designating the bridge over the Shrewsbury River in Monmouth County on State Highway Route No. 36 as the "Captain Joseph Azzolina Memorial Bridge."

WHEREAS, Joseph Azzolina, a resident of Monmouth County, passed away on April 15, 2010 at the age of eighty-four; and

WHEREAS, Joseph Azzolina was born in Newark, New Jersey, joined the Navy in 1944 at age 18, was enrolled in ROTC at Drew University, and later graduated from Holy Cross College; and

WHEREAS, Joseph Azzolina in the course of his Navy career attended both the National and Naval War colleges, and later completed graduate work at New York University in Business Administration; and

WHEREAS, Joseph Azzolina served his country as a member of the United States Navy and Navy Reserves for forty-two years, including serving in the occupation forces in Europe following World War II and in combat during the Korean War, and during the Beirut Crisis in Lebanon in 1983, before his retirement as Captain, earning in his service career three Meritorious Service Medals, the Navy Commendation Medal, and numerous other awards and honors; and

WHEREAS, Captain Azzolina in civilian life had notable achievements as a businessman, as the founder, president, chairman, and C.E.O. of Food Circus Supermarkets, Inc., known for its generous donations of food to local charities; and

WHEREAS, As a respected resident of Middletown, Monmouth County, Captain Azzolina served in many community and philanthropic capaci-

ties with characteristic spirit, enthusiasm, and kindness, while also engaging in the political life of this State, serving as a member of General Assembly from 1965 until becoming a member of the New Jersey Senate from 1972 to 1974, and returning to the General Assembly from 1986 to 1988 and from 1992 to 2006; and

WHEREAS, Captain Azzolina displayed a life-long commitment to community and State service and to the United States Navy, not only serving as a member of the Legislature, and of numerous groups and organizations, but also engaging in tireless efforts to bring the Battleship New Jersey out of retirement, and succeeding in his campaign to open that battleship to the public for tours and inspection on the Camden Waterfront; and

WHEREAS, It is fitting and proper for Captain Azzolina to be remembered by the dedication of a bridge to his memory in his beloved Monmouth County; now, therefore,

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

1. The Commissioner of Transportation shall designate the bridge over the Shrewsbury River in Monmouth County on State Highway Route No. 36 as the "Captain Joseph Azzolina Memorial Bridge."

2. The Commissioner of Transportation is authorized to erect appropriate route and directional signs bearing this name.

3. No State or other public funds shall be used for producing, purchasing, or erecting signs bearing the designation established pursuant to section 1 of this act. The Commissioner of Transportation is authorized to receive gifts, grants or other financial assistance from private sources for the purpose of funding or reimbursing the Department of Transportation for the costs associated with producing, purchasing, and erecting signs bearing the designation established pursuant to section 1 of this act and entering into agreements related thereto, with such private sources, including but not limited to non-governmental, non-profit, educational or charitable entities or institutions. No work shall proceed, and no funding shall be accepted by the Department of Transportation until an agreement has been reached with a responsible party for paying the costs associated with producing, purchasing, erecting and maintaining the signs.

4. This act shall take effect immediately.

Approved August 18, 2011.

CHAPTER 113

AN ACT establishing the New Jersey Advisory Council on End-of-Life Care in the Department of Health and Senior Services.

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

1. The Legislature finds and declares that:
 - a. The current health care system in New Jersey often fails to meet the special needs of persons who are approaching the end of life by limiting the opportunity that they earnestly desire to spend their final months free of pain, in familiar surroundings, together with their friends and families, instead of being tethered to tubes and other medical apparatus in an intensive care unit or other acute care hospital setting;
 - b. At the same time, according to the *Dartmouth Atlas of Health Care* 2006 study on variations among states in the management of severe chronic illness, Medicare expenditures on many aspects of end-of-life care in New Jersey are among the highest of all states nationwide, and often greater than those in any other state, when measured by such indices as: days spent in a hospital per decedent during the last six months of life; days spent in an intensive care unit per decedent during the last six months of life; physician visits per decedent during the last six months of life; the percentage of deaths associated with an admission to intensive care; Medicare spending and resource inputs during the last two years of life; and standardized physician labor inputs per 1,000 decedents during the last two years of life;
 - c. Compared to the average American, New Jerseyans in the last six months of life spend 30% more days in the hospital, see physicians 43% more often, and spend 44% more days in the intensive care unit;
 - d. Expanded use of licensed hospice care programs, through more timely enrollment by persons in need of end-of-life care that responds to their needs and concerns, could help to avoid much of the expense for this type of care that is incurred in New Jersey;
 - e. In many cases, earlier referrals of persons with terminal conditions to hospice care could serve to improve their pain management and thereby enhance their quality of life and death, by providing high-quality palliative

care while also meeting the counseling and spiritual needs of these patients and their families;

f. Persons who are near the end of life have unique needs for respectful and responsive care, and concern for their comfort and dignity should guide all aspects of their care so as to alleviate their physical and mental suffering as much as possible;

g. At a minimum, the end-of-life care that a person receives should encompass dignified and respectful treatment at all times and aggressive pain management as appropriate to that person's needs;

h. As noted in the *Report of the New Jersey Legislative Commission for the Study of Pain Management Policy*, issued more than a decade ago, "the public policy of this State should support a compassionate and humane approach to caring for patients who are terminally ill which seeks to mitigate their physical pain and mental anguish and preserve as much of their peace and dignity as possible";

i. As further observed in that report, "We are all stakeholders in the public interest to be served by the advancement of a kinder and gentler approach to caring for patients as they approach the end of life because we will all take that journey"; and

j. It is manifestly in the public interest for this State to establish an advisory body, the membership of which would comprise individuals with suitable qualifications for this purpose, to examine those issues that it deems appropriate for the consideration of its members relative to the quality and cost-effectiveness of, and access to, end-of-life care services for all persons in this State, and to propose recommendations for the consideration of State agencies, policymakers, health care providers, and third party payers.

2. There is established the New Jersey Advisory Council on End-of-Life Care in the Department of Health and Senior Services.

a. The advisory council shall include 21 members as follows:

(1) the Commissioners of Health and Senior Services and Human Services and the Ombudsman for the Institutionalized Elderly, or their designees, as ex officio members;

(2) two members each from the Senate and the General Assembly, to be appointed by the President of the Senate and the Speaker of the General Assembly, respectively, who in each case shall be members of different political parties; and

(3) 14 public members who are residents of this State, to be appointed by the Governor with the advice and consent of the Senate, including: one person who represents licensed hospice care programs in this State; two

physicians licensed to practice in this State who have expertise in issues relating to pain management or end-of-life care, one of whom is an oncologist; two persons who represent general hospitals in this State, one of whom represents a religiously-affiliated hospital; one person who represents an organization in New Jersey that advocates on behalf of persons with mental illness; one person who represents an organization in New Jersey that advocates on behalf of persons with developmental disabilities; one person who represents nursing homes in this State; one registered professional nurse licensed to practice in this State; one attorney licensed to practice in this State who has expertise in health care law; one person who is employed as a patient advocate by a general hospital in this State; two members of the general public with expertise or interest in the work of the advisory council who are not licensed health care professionals, at least one of whom is a member of a minority racial or ethnic group; and one person representing academia who has expertise in biomedical ethical issues relating to end-of-life care and is not a licensed health care professional.

b. The public members of the advisory council shall serve without compensation but be reimbursed for any expenses incurred by them in the performance of their duties.

c. Legislative members shall serve during their terms of office. Vacancies shall be filled in the same manner as the original appointments were made.

d. The advisory council shall organize as soon as practicable after the appointment of its members. The Commissioner of Health and Senior Services or the commissioner's designee shall serve as chairperson, and the advisory council shall select a vice-chairperson from among its members and a secretary who need not be a member of the advisory council.

e. The advisory council shall be entitled to call to its assistance and avail itself of the services of the employees of any State, county, or municipal department, board, bureau, commission, or agency as it may require and as may be available to it for its purposes.

f. The Department of Health and Senior Services shall, within the limits of its existing staff and resources, provide such staff support as the advisory council requires to perform its duties.

3. The purpose of the advisory council shall be to:

a. identify existing practices and programs in this State that have demonstrated measurable success in providing patient access to, and choice of, high-quality, cost-effective palliative care and end-of-life care services and ways to promote the expansion and dissemination of those practices and programs;

b. identify an effective mechanism for disseminating information to the general public, on as widespread a basis as is practicable, which information will assist patients and their families in making informed health care decisions with regard to palliative care and end-of-life care; and

c. develop goals and benchmarks for efforts, which may be undertaken by the Department of Health and Senior Services or other relevant entities acting singly or in collaboration with each other, to accomplish the purposes of: providing patient access to, and choice of, high-quality, cost-effective palliative care and end-of-life care services; and assisting patients and their families in making informed health care decisions with regard to such care.

4. The advisory council, no later than 18 months after the date of its organization, shall report to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), on the results of its activities, and shall include in that report such recommendations for administrative, legislative, and other action as it desires to present pursuant to section 3 of this act, including policy recommendations for the consideration of State agencies, policymakers, health care providers, and third party payers. In developing its recommendations, the advisory council shall have, as its overriding concern, to promote an end-of-life care paradigm in which patients' wishes are paramount and they are provided with dignified and respectful treatment that seeks to alleviate their physical pain and mental anguish as much as possible.

5. This act shall take effect immediately and shall expire upon the issuance of the report by the advisory council pursuant to section 4 of this act.

Approved August 18, 2011.

CHAPTER 114

AN ACT establishing a Medicaid Accountable Care Organization Demonstration Project and supplementing Title 30 of the Revised Statutes.

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

C.30:4D-8.1 Findings, declarations relative to a Medicaid Accountable Care Organization Demonstration Project.**1. The Legislature finds and declares that:**

a. The current health care delivery and payment system often fails to provide high quality, cost-effective health care to the most vulnerable patients residing in New Jersey, many of whom have limited access to coordinated and primary care services and, therefore, tend to delay care, underutilize preventive care, seek care in hospital emergency departments or be admitted to hospitals for preventable problems;

b. The Accountable Care Organization (ACO) model has gained recognition as a mechanism that can be used to improve health care quality and health outcomes, while lowering the overall costs of medical care by providing incentives to coordinate care among providers throughout a region. Coordination is achieved through initiatives such as creation of patient-centered medical homes, sharing of patient health information among providers, and implementation of care management programs designed to facilitate best practices and improve communication among providers and social services agencies throughout the community;

c. Providers participating in the ACO are supported in their efforts to share accountability for the overall quality and cost of care rendered to patients. The ACO provides support for coordination, identification of improvements in health outcomes, quality, and cost savings, and the distribution of any overall cost savings achieved, often referred to as "gainsharing," to the ACO participants in a manner that furthers the goals of the ACO to improve quality and accessibility while reducing or stabilizing the costs of medical care throughout a region;

d. The ACO model can facilitate improvements in health outcomes, quality, and access, and stabilize or reduce the rate of health care inflation while permitting patients to maintain their current health care relationships. The Medicaid ACO Demonstration Project to be established pursuant to this act is specifically intended to: (1) increase access to primary care, behavioral health care, pharmaceuticals, and dental care by Medicaid recipients residing in defined regions; (2) improve health outcomes and quality as measured by objective metrics and patient experience of care; and (3) reduce unnecessary and inefficient care without interfering with patients' access to their health care providers or the providers' access to existing Medicaid reimbursement systems. The Medicaid ACO Demonstration Project may provide a model for achievement of improved health outcomes, quality, and decreased costs that can be replicated in other settings to the benefit of patients and payers throughout New Jersey, but is not intended to inhibit,

prevent, or limit development or implementation of alternative ACO models;

e. The Medicaid ACO Demonstration Project seeks to address a variety of access, health outcomes, coordination, and service utilization problems that lead to increased health costs. One major goal is to reduce the inappropriate utilization of high-cost emergency care by Medicaid recipients and others, especially where an individual's need is more properly addressed through non-emergency primary care treatment. The Medicaid ACOs shall develop relationships with primary care, behavioral health, dental, pharmacy, and other health care providers to develop strategies to: (1) engage these individuals in treatment; (2) promote medication adherence and use of medication therapy management, and healthy lifestyles, including, but not limited to, prevention and wellness activities, smoking cessation, reducing substance use, and improving nutrition; (3) develop skills in help-seeking behavior, including self-management and illness management; (4) improve access to services for primary care and behavioral health care needs through home-based services and telephonic and web-based communication, via culturally and linguistically appropriate means; and (5) improve service coordination to ensure integrated care for primary care, behavioral health care, dental care, and other health care needs, including prescription drugs;

f. It is, therefore, in the public interest to establish a Medicaid ACO demonstration project whereby providers can continue to receive Medicaid payments from managed care organizations, and, in the case of individuals not enrolled in managed care, directly from the Medicaid program, while simultaneously participating in a certified Medicaid ACO designed to improve health outcomes, quality, and access to care through regional collaboration and shared accountability, and while reducing the costs of medical care throughout a region; and

g. The Legislature, therefore, intends to exempt activities undertaken pursuant to the Medicaid ACO Demonstration Project that might otherwise be constrained by State antitrust laws and to provide immunity for such activities from federal antitrust laws through the state action immunity doctrine; however, notwithstanding this subsection, the Legislature does not intend to allow and does not authorize any person or entity to engage in activities or to conspire to engage in activities that would constitute per se violations of State or federal antitrust laws.

C.30:4D-8.2 Definitions relative to a Medicaid ACO.

2. As used in this act:

"ACO" means an accountable care organization.

"Behavioral health care provider" means a provider licensed or approved by the Department of Human Services to render services to New Jersey residents.

"Department" means the Department of Human Services.

"Designated area" means a municipality or defined geographic area in which no fewer than 5,000 Medicaid recipients reside.

"Disproportionate share hospital" means a hospital designated by the Commissioner of Human Services pursuant to Pub.L.89-87 (42 U.S.C. s.1396a et seq.) and Pub.L.102-234.

"Medicaid" means the Medicaid program established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).

"Medicaid ACO Demonstration Project" or "demonstration project" means the demonstration project established pursuant to this act.

"Primary care provider" includes the following licensed individuals: physicians, physician assistants, advanced practice nurses, and nurse midwives whose professional practice involves the provision of primary care, including internal medicine, family medicine, geriatric care, pediatric care, or obstetrical/gynecological care.

"Qualified behavioral health care provider" means a behavioral health care provider who participates in the Medicaid program and renders clinic-based and home-based services to individuals residing in the designated area served by the Medicaid ACO.

"Qualified primary care provider" means a primary care provider who participates in the Medicaid program and who spends at least 25% of his professional time or 10 hours per seven-day week, whichever is less, rendering clinical or clinical supervision services at an office or clinic setting located within the designated area served by a Medicaid ACO.

C.30:4D-8.3 Establishment of three-year Medicaid ACO Demonstration Project.

3. a. The Department of Human Services shall establish a three-year Medicaid ACO Demonstration Project in which nonprofit corporations organized with the voluntary support and participation of local general hospitals, clinics, pharmacies, health centers, qualified primary care and behavioral health care providers, and public health and social services agencies may apply to the department for certification and participation in the project. The department shall consult with the Department of Health and Senior Services with respect to establishment and oversight of the demonstration project.

Nothing in this act shall preclude the department, Medicaid managed care organizations, qualified primary care and behavioral health care providers, licensed health care facilities, or any other provider or payer of health care services from participating in other ACOs, health or behavioral health ACO models, medical home programs, or projects.

b. Applicants for participation in the demonstration project shall be nonprofit corporations created and operated for the primary purpose of improving the quality and efficiency of care provided to Medicaid recipients residing in a given designated area.

C.30:4D-8.4 Applications for certification as a Medicaid ACO.

4. a. The department shall accept applications for certification from demonstration project applicants beginning 60 days following the effective date of this act, and shall certify an applicant as a Medicaid ACO for participation in the demonstration project following its determination that the applicant meets the requirements specified in this section. The department may deny certification of any ACO applicant that the department determines does not meet the requirements of this act. The department may consider applications for approval, including revised applications submitted by an ACO not previously approved to participate in the demonstration project.

b. The department, in consultation with the Department of Health and Senior Services, may certify as many ACOs for participation in the demonstration project as it determines appropriate, but shall certify no more than one ACO for each designated area.

c. Prior to certification, a demonstration project applicant shall demonstrate that it meets the following minimum standards:

(1) The applicant has been formed as a nonprofit corporation pursuant to the "New Jersey Nonprofit Corporation Act," P.L.1983, c.127 (C.15A:1-1 et seq.), for the purposes described in this act;

(2) The applicant's governing board includes:

(a) individuals representing the interests of: health care providers, including, but not limited to, general hospitals, clinics, private practice offices, physicians, behavioral health care providers, and dentists; patients; and other social service agencies or organizations located in the designated area; and

(b) voting representation from at least two consumer organizations capable of advocating on behalf of patients residing within the designated area of the ACO. At least one of the organizations shall have extensive leadership involvement by individuals residing within the designated area of the ACO, and shall have a physical location within the designated area. Additionally, at least one of the individuals representing a consumer or-

ganization shall be an individual who resides within the designated area served by the ACO;

(3) The applicant has support of its application by: all of the general hospitals located in the designated area served by the ACO; no fewer than 75% of the qualified primary care providers located in the designated area; and at least four qualified behavioral health care providers located in the designated area;

(4) The applicant has a process for receipt of gainsharing payments from the department and any voluntarily participating Medicaid managed care organizations, and the subsequent distribution of such gainsharing payments in accordance with a quality improvement and gainsharing plan to be approved by the department, in consultation with the Department of Health and Senior Services;

(5) The applicant has a process for engaging members of the community and for receiving public comments with respect to its gainsharing plan;

(6) The applicant has a commitment to become accountable for the health outcomes, quality, cost, and access to care of Medicaid recipients residing in the designated area for a period of at least three years following certification; and

(7) The applicant has a commitment to ensure the use of electronic prescribing and electronic medical records by health care providers located in the designated area.

d. Nothing in this act shall be construed to prevent the department from certifying an applicant as a Medicaid ACO that also participates in a Medicare ACO demonstration project approved by the federal Centers for Medicare and Medicaid Services.

C.30:4D-8.5 Eligibility to receive, distribute gainsharing payments.

5. a. A certified Medicaid ACO shall be eligible to receive and distribute gainsharing payments only after having received approval from the department of its gainsharing plan, which approval may be requested by the ACO at the time of certification or at any time within one year of certification. An ACO may seek to amend its gainsharing plan at any time following the plan's initial approval by submitting amendments to the department for approval.

b. The department, with input from the Department of Health and Senior Services and utilizing outcome evaluation data provided by the Rutgers Center for State Health Policy, shall approve only those gainsharing plans that promote: improvements in health outcomes and quality of care, as measured by objective benchmarks as well as patient experience of care;

expanded access to primary and behavioral health care services; and the reduction of unnecessary and inefficient costs associated with care rendered to Medicaid recipients residing in the ACO's designated area. The department and the Department of Health and Senior Services shall provide all data necessary to the Rutgers Center for State Health Policy for analysis in support of the department's review of gainsharing plans. Criteria to be considered by the department and the Department of Health and Senior Services in approving a gainsharing plan shall include, but are not limited to:

(1) whether the plan promotes: care coordination through multidisciplinary teams, including care coordination of patients with chronic diseases and the elderly; expansion of the medical home and chronic care models; increased patient medication adherence and use of medication therapy management services; use of health information technology and sharing of health information; and use of open access scheduling in clinical and behavioral health care settings;

(2) whether the plan encourages services such as patient or family health education and health promotion, home-based services, telephonic communication, group care, and culturally and linguistically appropriate care;

(3) whether the gainsharing payment system is structured to reward quality and improved patient outcomes and experience of care;

(4) whether the plan funds interdisciplinary collaboration between behavioral health and primary care providers for patients with complex care needs likely to inappropriately access an emergency department and general hospital for preventable conditions;

(5) whether the plan funds improved access to dental services for high-risk patients likely to inappropriately access an emergency department and general hospital for untreated dental conditions; and

(6) whether the plan has been developed with community input and will be made available for inspection by members of the community served by the ACO.

c. The gainsharing plan shall include an appropriate proposed time period beginning and ending on specified dates prior to the commencement of the demonstration project, which shall be the benchmark period against which cost savings can be measured on an annual basis going forward. Savings shall be calculated in accordance with a methodology that:

(1) identifies expenditures per recipient by the Medicaid fee-for-service program during the benchmark period, adjusted for characteristics of recipients and local conditions that predict future Medicaid spending but are not amenable to the care coordination or management activities of an ACO which shall serve as the benchmark payment calculation;

(2) compares the benchmark payment calculation to amounts paid by the Medicaid fee-for-service program for all such resident recipients during subsequent periods; and

(3) provides that the benchmark payment calculation shall remain fixed for a period of three years following approval of the gainsharing plan.

d. The percentage of cost savings identified pursuant to subsection c. of this section to be distributed to the ACO, retained by any voluntarily participating Medicaid managed care organization, and retained by the State, shall be identified in the gainsharing plan and shall remain in effect for a period of three years following approval of the gainsharing plan. Such percentages shall be designed to ensure that:

(1) the State can achieve meaningful savings and support the ongoing operation of the demonstration project, and

(2) the ACO receives a sufficient portion of the shared savings necessary to achieve its mission and expand its scope of activities.

e. Notwithstanding the provisions of this section to the contrary, the department shall not approve a gainsharing plan that provides direct or indirect financial incentives for the reduction or limitation of medically necessary and appropriate items or services provided to patients under a health care provider's clinical care in violation of federal law.

f. Notwithstanding the provisions of this section to the contrary, a gainsharing plan that provides for shared savings between general hospitals and physicians related to acute care admissions utilizing the methodological component of the Physician-Hospital Collaboration Demonstration awarded by the federal Centers for Medicare and Medicaid Services to the New Jersey Care Integration Consortium, shall not be required to be approved by the department. The department shall not be under any obligation to participate in the Physician-Hospital Collaboration Demonstration.

g. The department shall consider using a portion of any savings generated to expand the nursing, primary care, behavioral health care, and dental workforces and services in the area served by the ACO.

h. A gainsharing plan submitted to the department for this ACO demonstration project shall contain an assessment of the expected impact of revenues on hospitals that agree to participate. The assessment shall include estimates for changes in both direct patient care reimbursement and indirect revenue, such as disproportionate share payments, graduate medical education payments, and other similar payments. The assessment shall include a review of whether participation in the demonstration project could significantly impact the financial stability of any hospital through rapid reductions in revenue and how this impact will be mitigated. The gainsharing

plan shall include a letter of support from all participating hospitals in order to be accepted by the department.

C.30:4D-8.6 Remission of payment to ACO.

6. The department shall remit payment of cost savings to a participating Medicaid ACO following approval by the department, in consultation with the Department of Health and Senior Services, of the ACO's gainsharing plan and identification of cost savings and agreement from the federal government to share in the cost of the funds distributed.

C.30:4D-8.7 Voluntary participation in demonstration project.

7. a. A managed care organization that has contracted with the department may voluntarily seek participation in the demonstration project by notifying the Medicaid ACO of its desire to participate. The ACO shall submit a separate Medicaid managed care organization gainsharing plan meeting the requirements of section 5 of this act to the department for review and approval. The Medicaid managed care organization gainsharing plan may be identical to the gainsharing plan approved for use in connection with the Medicaid fee-for-service program, or may contain variations with respect to the manner in which health outcomes, quality, care coordination, and access are to be improved and the manner in which cost savings are achieved and distributed as gainsharing payments, but the managed care organization gainsharing plan shall not affect the calculation or distribution of shared savings pursuant to the approved gainsharing plan applicable to the Medicaid fee-for-service program or the calculation or distribution of shared savings pursuant to any other approved gainsharing plan used by the ACO.

b. A Medicaid managed care organization may withdraw from participation after one year by notifying the department in writing of its desire to withdraw.

c. Nothing in this act shall:

(1) alter or limit the obligations of a Medicaid managed care organization participating in the demonstration project pursuant to an approved gainsharing plan to comply with State and federal law applicable to the Medicaid managed care organization; or

(2) preclude an ACO from expanding its operations to include participation with new health care providers located within the ACO's designated area.

C.30:4D-8.8 Duties of the department; authorization to seek grants.

8. a. The department, in consultation with the Department of Health and Senior Services, shall:

- (1) design and implement the application process for approval of participating ACOs in the demonstration project;
- (2) collect data from participants in the demonstration project; and
- (3) approve a methodology proposed by the Medicaid ACO applicant for calculation of cost savings and for monitoring of health outcomes and quality of care under the demonstration project.

b. The department and the Department of Health and Senior Services shall be authorized to jointly seek public and private grants to implement and operate the demonstration project.

C.30:4D-8.9 Annual evaluation.

9. The department, in consultation with the Department of Health and Senior Services, shall evaluate the demonstration project annually to assess whether: cost savings, including, but not limited to, savings in administrative costs and savings due to improved health outcomes, are achieved through implementation of the demonstration project.

The department, in consultation with the Department of Health and Senior Services, and with the assistance of the Rutgers Center for State Health Policy, shall evaluate the demonstration project annually to assess whether there is improvement in the rates of health screening, the outcomes and hospitalization rates for persons with chronic illnesses, and the hospitalization and readmission rates for patients residing in the designated areas served by the ACOs. The department and the Department of Health and Senior Services shall provide the Rutgers Center for State Health Policy with all data necessary to perform the annual evaluation of the demonstration project.

C.30:4D-8.10 Application for State plan amendments, waivers.

10. a. 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 shall take such additional steps as may be necessary to secure on behalf of participating ACOs such waivers, exemptions, or advisory opinions to ensure that such ACOs are in compliance with applicable provisions of State and federal laws related to fraud and abuse, including, but not limited to, anti-kickback, self-referral, false claims, and civil monetary penalties.

b. The Commissioners of Health and Senior Services and Human Services may apply for participation in federal ACO demonstration projects that align with the goals of this act.

c. The provisions of this act shall not be construed to require State funding for any evaluation or start-up costs of an ACO.

C.30:4D-8.11 Construction of act.

11. Nothing in this act shall be construed to limit the choice of a Medicaid recipient to access care for family planning services or any other type of health care services from a qualified health care provider who is not participating in the demonstration project.

C.30:4D-8.12 Continuation of payments for certain services.

12. a. Under the demonstration project, payment shall continue to be made to providers of services and suppliers participating in the Medicaid ACO for services provided to managed care recipients or individuals who receive services on a fee-for-service basis in the same manner as they would otherwise be made, except that the ACO is eligible to receive gain-sharing payments under sections 5 and 6 of this act if it meets the requirements set forth therein.

b. Nothing in this act shall be construed to authorize the Departments of Human Services or Health and Senior Services to waive or limit any provisions of federal or State law or reimbursement methodologies governing Medicaid reimbursement to federally qualified health centers, including, but not limited to, Medicaid prospective payment reimbursement and any supplemental payments made to a federally qualified health center providing services to Medicaid managed care recipients.

C.30:4D-8.13 Certain licensure requirements waived.

13. Notwithstanding the requirements of P.L.1999, c.409 (C.17:48H-1 et seq.), a Medicaid ACO certified pursuant to this act shall not be required to obtain licensure or certification from the Department of Banking and Insurance as an organized delivery system when providing services to Medicaid recipients.

C.30:4D-8.14 Report to Governor, Legislature.

14. Upon completion of the demonstration project, the Commissioners of Human Services and Health and Senior Services shall report to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), on the demonstration project, and include in the report the findings of the evaluation carried out pursuant to section 9 of this act. The commissioners shall make such recommendations as they deem appropriate.

If, after three years following enactment of this act, the commissioners find the demonstration project was successful in reducing costs and im-

proving health outcomes and the quality of care for Medicaid recipients, the commissioners may recommend that Medicaid ACOs be established on a permanent basis and in additional communities in which Medicaid recipients reside.

C.30:4D-8.15 Rules, regulations.

15. The Commissioner of Human Services, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) and with input from the Commissioner of Health and Senior Services, shall, within 180 days of the effective date of this act, adopt rules and regulations establishing the standards for gainsharing plans submitted by Medicaid ACOs. The Commissioner of Human Services shall also adopt, with input from the Commissioner of Health and Senior Services, such rules and regulations governing the ongoing oversight and monitoring of the quality of care delivered to Medicaid recipients in the designated areas served by the Medicaid ACOs, and such other requirements as the Commissioner of Human Services deems necessary to carry out the provisions of this act.

16. This act shall take effect 60 days after the date of enactment and shall expire three years after the adoption of regulations by the Commissioner of Human Services.

Approved August 18, 2011.

CHAPTER 115

AN ACT concerning the status of women and repealing parts of the statutory law.

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

Repealer.

1. The following are repealed:

N.J.S.3A:37-3;

N.J.S.3B:28-16;

R.S.37:1-5;

R.S.37:2-1 through R.S.37:2-16 inclusive;

Sections 1 and 2 of P.L.1945, c.130 (C.37:2-16.1 and C.37:2-16.2);

R.S.37:2-17, R.S.37:2-17.1, and R.S.37:2-18;

Section 1 of P.L.1953, c.352 (C.37:2-18.1); and R.S.37:2-19 through R.S.37:2-29 inclusive.

2. This act shall take effect immediately.

Approved August 18, 2011.

CHAPTER 116

AN ACT concerning a veteran peer support telephone helpline, and supplementing chapter 13 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:13-10 Findings, declarations relative to a veteran peer support telephone helpline.

1. a. The Legislature finds and declares that the Department of Military and Veterans' Affairs, in conjunction with the University of Medicine and Dentistry of New Jersey, has established a veteran to veteran peer support program telephone helpline. The helpline receives and responds to calls from veterans, servicemembers, and their families. It provides them with access to a comprehensive mental health provider network of mental health professionals specializing in post traumatic stress disorder and other veterans issues. All services are free and confidential.

b. Since its inception, the helpline has fielded over 6,000 calls from veterans and their families and based on prior statistics, a 10% increase in calls has been projected.

c. The helpline is funded through an allocation from a State appropriation for post traumatic stress disorder. It is appropriate that the helpline have a separate annual appropriation.

C.38A:13-11 Establishment of helpline.

2. a. The Department of Military and Veterans' Affairs shall establish, in coordination with University Behavioral HealthCare of the University of Medicine and Dentistry of New Jersey, a toll free veteran to veteran peer support helpline.

b. The helpline shall be accessible 24 hours a day seven days per week and shall respond to calls from veterans, servicemembers and their families. The operators of the helpline shall seek to identify the veterans,

servicemembers and their families who should be referred to further peer support and counseling services, and provide referrals.

c. The operators of the helpline shall be trained by University Behavioral Healthcare of the University of Medicine and Dentistry of New Jersey and, to the greatest extent possible, shall be trained veterans or mental health professionals with military service expertise and (1) familiar with post traumatic stress disorder, traumatic brain injury and the emotional and psychological tensions, depressions, and anxieties unique to veterans, servicemembers, and their families or (2) trained to provide counseling services involving marriage and family life, substance abuse, personal stress management and other emotional or psychological disorders or conditions which may be likely to adversely affect the personal and service related well-being of veterans, servicemembers, and their families.

d. The Department of Military and Veterans' Affairs and the University of Medicine and Dentistry of New Jersey shall provide for the confidentiality of the names of the persons calling, the information discussed, and any referrals for further peer support or counseling; provided, however, the Department of Military and Veterans' Affairs and the University of Medicine and Dentistry of New Jersey may establish guidelines providing for the tracking of any person who exhibits a severe emotional or psychological disorder or condition which the operator handling the call reasonably believes might result in harm to the veteran or servicemember or any other person.

C.38A:13-12 List of credentialed health care providers.

3. University Behavioral Healthcare of the University of Medicine and Dentistry of New Jersey shall maintain a list of credentialed military-oriented behavioral healthcare providers throughout the State of New Jersey. Case management services shall also be provided to ensure that veterans, servicemembers, and their families receive ongoing counseling throughout all pre and post deployment events in New Jersey. The continuum of services shall utilize the National Yellow Ribbon guidelines while providing ongoing peer support customized for each branch of military service.

C.38A:13-13 Quarterly consultations.

4. In establishing the helpline authorized under the provisions of section 2 of this act, P.L.2011, c.116 (C.38A:13-11) the Adjutant General of the Department of Military and Veterans' Affairs and University Behavioral Healthcare of the University of Medicine and Dentistry of New Jersey shall consult on a quarterly basis with the New Jersey Division of Mental Health Services within the Department of Human Services, the United States De-

partment of Veterans' Affairs, the New Jersey Veterans Healthcare Network, at least two New Jersey Veteran Centers, and at least two State recognized veteran groups.

5. There shall be appropriated annually from the General Fund to the Department of Military and Veterans' Affairs a sum sufficient for the operation of the program.

6. This act shall take effect on the first day of the fourth month following enactment, but the Department of Military and Veterans' Affairs and the University of Medicine and Dentistry of New Jersey may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved August 19, 2011.

CHAPTER 117

AN ACT concerning voluntary contributions through gross income tax returns for New Jersey National Guard members and their families, supplementing chapter 9 of Title 54A of the New Jersey Statutes.

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

C.54A:9-25.29 "NJ National Guard State Family Readiness Council Fund."

1. a. There is established in the Department of the Treasury a special fund to be known as the "NJ National Guard State Family Readiness Council Fund."

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

c. Any costs incurred by the Division of Taxation for collection or administration attributable to this act may be deducted from receipts collected pursuant to this act, as determined by the Director of the Division of Budget and Accounting. The State Treasurer shall deposit net contributions collected pursuant to this act into the "NJ National Guard State Family Readiness Council Fund."

d. The Legislature shall annually appropriate all funds deposited in the "NJ National Guard State Family Readiness Council Fund" established pursuant to this section to the National Guard State Family Readiness

Council for the purposes of providing support to members of the New Jersey National Guard and their families affected by extended deployment during Operations Enduring Freedom and Iraqi Freedom.

2. This act shall take effect immediately and apply to taxable years beginning after enactment.

Approved August 19, 2011.

CHAPTER 118

AN ACT concerning employee leasing companies, amending and supplementing P.L.2001, c.260, and supplementing various parts of the statutory law.

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

1. Section 1 of P.L.2001, c.260 (C.34:8-67) is amended to read as follows:

C.34:8-67 Definitions relative to employee leasing companies.

1. For the purposes of this act:

"Assurance organization" means an independent and qualified entity approved by the commissioner to certify the qualifications of an employee leasing company or employee leasing company group for registration under P.L.2001, c.260 (C.34:8-67 et seq.).

"Client company" means a sole proprietorship, partnership, corporation or other business entity, which enters into an employee leasing agreement and is assigned employees by the employee leasing company.

"Commissioner" means the Commissioner of Labor and Workforce Development.

"Covered employee" means an individual co-employed by an employee leasing company and a client company pursuant to an employee leasing agreement.

"Department" means the Department of Labor and Workforce Development.

"Employee leasing agreement" or "professional employer agreement" means an arrangement, under written contract, whereby:

(1) An employee leasing company and a client company co-employ covered employees; and

(2) The arrangement is intended to be, or is, ongoing rather than temporary in nature, and not aimed at temporarily supplementing the client company's work force.

"Employee leasing company" or "professional employer organization" means a sole proprietorship, partnership, corporation or other business entity, which devotes a substantial portion of its business to providing the services of employees pursuant to one or more employee leasing agreements and provides services of a nature customarily understood to be employer responsibilities including, but not limited to, those responsibilities provided in section 2 of this act.

2. Section 2 of P.L.2001, c.260 (C.34:8-68) is amended to read as follows:

C.34:8-68 Provisions of leasing agreements.

2. a. Every employee leasing agreement shall provide that the employee leasing company:

(1) Reserves a right of direction and control over each covered employee assigned to the client company's location. However, a client company may retain sufficient direction and control over the covered employee as is necessary to conduct the client company's business and without which the client company would be unable to conduct its business, discharge any fiduciary responsibility that it may have, or comply with any applicable licensure, regulatory or statutory requirement of the client company;

(2) Assumes responsibility for the payment of wages to each covered employee without regard to payments by the client company to the employee leasing company, except that the provisions of this paragraph shall not affect the client company's obligations with respect to the payment of wages to covered employees;

(3) Assumes responsibility for the payment of payroll taxes and collection of taxes from payroll on each covered employee;

(4) Retains authority to hire, terminate, discipline, and reassign each covered employee. However, no covered employee shall be reassigned to another client company without that covered employee's consent and the client company may have the right to accept or cancel the assignment of any covered employee;

(5) Has given written notice of the relationship between the employee leasing company and the client company to each covered employee it assigns to perform services at the client company's work site;

(6) Shall, except for newly established business entities, hire its initial employee complement from among employees of the client company at the time of execution of the employee leasing agreement at comparable terms and conditions of employment as are in existence at the client company at the time of execution of the employee leasing agreement and as designated by the client company. Throughout the term of the employee leasing agreement the covered employees shall be considered employees of the employee leasing company and the client company and upon the termination of the employee leasing agreement, the covered employees shall be considered employees of the client company;

(7) Continue to honor and abide by existing collective bargaining agreements applicable to covered employees. The client company shall also continue to honor and abide by all collective bargaining agreements applicable to covered employees. Every employee leasing company which enters into a contract with a client company, which has a collective bargaining representative for the covered employees, shall require that client company to enter into an agreement with the employee leasing company containing the following language:

“The client company shall continue to honor and abide by the terms of any applicable collective bargaining agreements, and upon expiration thereof, any obligations of the client company to bargain in good faith in connection with such collective bargaining agreements shall not be affected in any manner by the employee leasing agreement.”

(8) Shall provide workers' compensation insurance for their covered employees.

b. Every employee leasing agreement shall provide that the employee leasing company and the client company shall each retain a right of direction and control over management of safety, risk and hazard control at the work site or sites affecting each covered employee including:

(1) Responsibility for performing safety inspections of client company equipment and premises;

(2) Responsibility for the promulgation and administration of employment and safety policies; and

(3) Responsibility for the management of workers' compensation claims, the filings thereof, and procedures related thereto.

c. Nothing in this section or this act shall alter the rights or obligations of client companies, employee leasing companies or covered employees under the National Labor Relations Act, 29 U.S.C. s.151 et seq.

d. (1) Nothing in P.L.2001, c.260 (C.34:8-67 et seq.) or in any employee leasing agreement shall diminish, abolish or remove any obligations

of covered employees to a client company or any obligations of any client company to a covered employee existing prior to the effective date of an employee leasing agreement, or create any new or additional enforceable right of a covered employee against an employee leasing company that is not specifically provided by the appropriate employee leasing agreement or P.L.2001, c.260 (C.34:8-67 et seq.).

(2) Nothing in P.L.2001, c.260 (C.34:8-67 et seq.) or in any employee leasing agreement shall affect, modify, or amend any contractual relationship or restrictive covenant between a covered employee and any client company in effect at the time an employee leasing agreement becomes effective; nor shall it prohibit or amend any contractual relationship or restrictive covenant that is entered into subsequently between a client company and a covered employee. An employee leasing company shall have no responsibility or liability in connection with, or arising out of, any such existing or new contractual relationship or restrictive covenant unless the employee leasing company has specifically agreed otherwise in writing.

e. (1) Nothing in P.L.2001, c.260 (C.34:8-67 et seq.) or in any employee leasing agreement shall affect, modify or amend any state or local registration or certification requirement applicable to any client company or covered employee.

(2) A covered employee who is required to be licensed, registered, or certified pursuant to any State law or regulation shall be considered solely an employee of the client company for purposes of that license, registration, or certification requirement.

(3) An employee leasing company shall not be deemed to engage in any occupation, trade, profession, or other activity that is subject to licensing, registration, or certification requirements, or is otherwise regulated by a governmental entity, solely by entering into an employee leasing agreement with a client company who is subject to those requirements or regulations.

(4) A client company shall have the sole right of direction and control of the professional or licensed activities of covered employees and the client company's business. Those covered employees and client companies shall remain subject to regulation by the regulatory or governmental entity responsible for licensing, registration, or certification of those covered employees or client companies.

f. A client company's certification as a small, minority-owned, disadvantaged, woman-owned business enterprise or an historically underutilized business for the purposes of any bid, contract, purchase order, or agreement entered into with the State or a political subdivision of the State, shall not

be affected because the client company has entered into an employee leasing agreement with an employee leasing company.

g. Any benefit that a client company is required to provide to covered employees that is provided to covered employees by an employee leasing company through an employee leasing agreement shall be credited against the client company's obligation to fulfill the requirement.

3. Section 4 of P.L.2001, c.260 (C.34:8-70) is amended to read as follows:

C.34:8-70 Registration of leasing company.

4. a. An employee leasing company shall register with the commissioner and provide a list of its client companies with covered employees in this State, both upon the initial registration of the employee leasing company, and thereafter, annually by January 31st, listing all client companies as of the immediately preceding December 31st. The list shall include the following information with regard to each client company:

- (1) Client company's name;
- (2) Client company's physical location address;
- (3) Description of client company's economic activity;
- (4) Client company's state tax identification number;
- (5) Percent of client company's workforce being leased;
- (6) Effective date and duration of employee leasing agreement;
- (7) A copy of the standard form of agreement entered into between the

employee leasing company and the client company;

(a) The standard form of agreement shall be accompanied by a certified list of all client companies with covered employees in this State contracting with the employee leasing company for its services.

(b) The employee leasing company shall be required to notify the Department of Labor and Workforce Development on an annual basis of any material changes in the standard form of agreement which relate to the requirements set forth in section 2 of this act, and when any particular client company has agreed to terms which deviate from the standard form of agreement;

(8) Proof of written disclosure to client companies upon the signing of an employee leasing agreement, as required in section 8 of this act;

(9) Proof of current workers' compensation coverage, which may be in the form of a letter from the insurance carrier, and which shall include the name of the carrier, date of commencement of coverage under the policy, term of the coverage, and verification of premiums paid; and

(10) Confirmation that all leased employees are covered by workers' compensation insurance.

b. Employee leasing companies shall also report to the department, on a quarterly basis, wage information regarding each covered employee as required by law, rule or regulation.

c. All records, reports and other information obtained from employee leasing companies under this act, except to the extent necessary for the proper administration by the department of this act and all applicable labor laws, shall be confidential and shall not be published or open to public inspection other than to public employees in the performance of their public duties.

d. The department shall establish a limited registration and renewal process and appropriate forms for an employee leasing company that (1) is not domiciled in this State; (2) is licensed or registered as an employee leasing company or professional employer organization in another state; (3) does not maintain an office in this State or directly solicit client companies located or domiciled in this State; and (4) is not responsible for more than 50 covered employees employed in this State on the date of registration or renewal. If during the term of a limited registration an employee leasing company becomes responsible for more than 50 covered employees, the employee leasing company shall re-register with the department pursuant to subsection a. of this section within 30 days of the end of the quarter in which the employee leasing company became responsible for more than 50 covered employees, but shall not be charged any additional registration fee, if a registration fee is required. An employee leasing company requesting a limited registration pursuant to this subsection shall provide the department with a list of client companies and the number of covered employees at each of those companies and such other information as the department shall prescribe. Any employee leasing company receiving a limited registration from the department shall not be required to comply with the provisions of subsections a. and b. of section 5 of P.L.2001, c.260 (C.34:8-71).

e. Two or more employee leasing companies that are majority owned by the same ultimate parent company, entity or person may register as an employee leasing company group, and may satisfy the registration requirements imposed pursuant to this section and the financial reporting required pursuant to section 5 of P.L.2001, c.260 (C.34:8-71), and any other filing requirements authorized by the department, on a combined or consolidated basis, provided that the employee leasing company group demonstrates positive working capital pursuant to section 5 of P.L.2001, c.260 (C.34:8-71). Each employee leasing company covered under an employee leasing

company group registration shall guarantee the financial capacity obligations of each other employee leasing company covered under the employee leasing company group registration.

f. The department may require that every initial application and subsequent annual reporting submitted pursuant to this section shall be accompanied by a fee of up to \$500. If such a fee is required, every initial application and subsequent annual reporting submitted by an employee leasing company group pursuant to subsection e. of this section shall be accompanied by a fee of the required amount for each employee leasing company included in the employee leasing company group.

4. Section 5 of P.L.2001, c.260 (C.34:8-71) is amended to read as follows:

C.34:8-71 Registration, annual reporting.

5. a. (1) Every initial registration and subsequent annual reporting shall be accompanied by a financial statement prepared in accordance with generally accepted accounting principles and audited by an independent certified public accountant, which statement shall show a positive working capital, computed as current assets minus current liabilities. The financial statement shall be without qualification as to the going concern status of the employee leasing company.

(2) At the time of an application for an initial registration an employee leasing company shall submit to the department an audited financial statement prepared within 13 months of the application. Thereafter, an employee leasing company shall file with the department on an annual basis, within 180 days of the end of the employee leasing company's fiscal year, a current audited financial statement. An employee leasing company may request the department for an extension for this filing, which shall be accompanied by a letter from the employee leasing company's independent certified public accountant stating the reasons for the requested extension and the anticipated date of the completion of the audited financial statement.

b. (1) An employee leasing company that does not have a positive working capital may provide to the department, in lieu thereof, a bond, irrevocable letter of credit, or securities with a minimum market value equaling the amount necessary to achieve a positive working capital plus up to \$100,000, such additional amount to be determined by the commissioner or his designee. The securities so deposited shall include authorizations to the commissioner, or his designee, to sell those securities in an amount sufficient to pay any taxes, wages, benefits or other entitlement due a covered

employee, if the employee leasing company does not make those payments when due. The provisions of this paragraph shall not apply to an employee leasing company group registered pursuant to subsection e. of section 4 of P.L.2001, c.260 (C.34:8-70).

(2) The commissioner, or his designee, may also require that bond or deposit if the commissioner finds that the leasing company has had its license or registration suspended, denied, or limited in any other jurisdiction; or that there have been instances in which the employee leasing company has not paid covered employees' wages or benefits when due, or failed to make timely payment of any federal or state payroll taxes or unemployment compensation contributions when due, or for other good cause.

(3) Any bond or securities deposited under this subsection shall not be included for the purpose of the calculation of positive working capital required by subsection a. of this section.

c. An employee leasing company shall submit to the commissioner, or his designee, within 60 days after the end of each calendar quarter, a certification by an independent certified public accountant that all applicable federal and state payroll taxes for covered employees in this State have been paid on a timely basis for that quarter. If the commissioner or his designee does not receive that certification within the 60-day period, the department shall notify the employee leasing company within five business days of the expiration of the 60-day period. If that certification is not received within 10 business days following the notification by the department, the department shall notify the client companies listed on the employee leasing company's annual report required pursuant to section 4 of this act that the certification was not received.

d. Two or more employee leasing companies that are majority owned by the same ultimate parent company, entity or person may comply with the provisions of this section pursuant to subsection e. of section 4 of P.L.2001, c.260 (C.34:8-70).

e. The department may adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) rules and regulations to permit, to the extent authorized pursuant to the "Uniform Electronic Transactions Act," P.L.2001, c.116 (C.12A:12-1 et seq.), employee leasing companies to electronically file applications, documents, reports and other filings required by P.L.2001, c.260 (C.34:8-67 et seq.). The department may also adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules to provide for the acceptance of electronic filings and other assurance by an assurance organization that provides satisfactory assurance of compliance acceptable to the department consistent

with or in lieu of the requirements of section 4 of P.L.2001, c.260 (C.34:8-70) and of this section and other requirements of P.L.2001, c.260 (C.34:8-67 et seq.) or the rules promulgated pursuant to it. The rules may permit an employee leasing company or an employee leasing company group to authorize an assurance organization to act on behalf of an employee leasing company or an employee leasing company group in complying with P.L.2001, c.260 (C.34:8-67 et seq.) and any rules and regulations adopted pursuant thereto, including electronic filings of information and payment of fees that may be required. The rules and regulations adopted pursuant to this subsection may include, but need not be limited to, an identification of those other provisions of P.L.2001, c.260 (C.34:8-67 et seq.) that may be complied with through an independent assurance organization. Use of an approved assurance organization shall be optional and not mandatory for an employee leasing company or an employee leasing company group. Nothing in this subsection shall limit or change the department's authority to register or rescind the registration of an employee leasing company or to investigate or enforce any provision of P.L.2001, c.260 (C.34:8-67 et seq.).

5. Section 6 of P.L.2002, c.260 (C.34:8-72) is amended to read as follows:

C.34:8-72 Co-employment of covered employees.

6. a. An employee leasing company registered under this act and the respective client companies with which it has entered into employee leasing agreements shall be the co-employers of their covered employees for the payment of wages and other employment benefits due, including the obligation under the workers' compensation law, R.S.34:15-1 et seq., to maintain insurance coverage for covered employees for personal injuries to, or for the death of, those employees by accident arising out of and in the course of employment through policies issued by an insurance carrier licensed in the State of New Jersey. Such policies shall state the name of the employee leasing company as the labor contractor for each client company, by name.

b. For purposes of this act, the agreement between the employee leasing company and the client company shall be one of co-employment, whereby the employee leasing company, having accepted the responsibilities set forth in section 2 of this act, may submit reports to the department and make contributions to the Unemployment Compensation and State Disability Benefits Funds in the manner prescribed in section 7 of this act, on behalf of those covered employees covered by the employee leasing agree-

ment. In addition, the provisions of R.S.34:15-8, regarding the exclusivity of the remedy under the workers' compensation law for personal injuries to, or for the death of, employees by accident arising out of and in the course of their employment, shall apply to the employee leasing company and the client company, and their employees.

c. The employee leasing company shall file reports prescribed under the "unemployment compensation law," R.S.43:21-1 et seq. on behalf of its covered employees using the State tax identification number of the employee leasing company.

C.34:8-68.1 Responsibilities of client company.

6. a. Except to the extent otherwise expressly provided by an applicable employee leasing agreement, a client company shall be solely responsible for the quality, adequacy or safety of the goods or services produced or sold in the client company's business, for directing, supervising, training and controlling the work of the covered employees with respect to the business activities of the client company, and for the acts, errors or omissions of covered employees with regard to those activities.

b. Except to the extent otherwise expressly provided by an applicable employee leasing agreement, a client company shall not be liable for the acts, errors or omissions of an employee leasing company, or of any covered employee when the covered employee is acting under the express direction and control of the employee leasing company, and an employee leasing company shall not be liable for the acts, errors, or omissions of a client company or of any covered employee when the covered employee is acting under the express direction and control of the client company.

c. Except to the extent otherwise expressly provided by an applicable employee leasing agreement or other employment contract, insurance contract or bond, a covered employee shall not be considered, solely as the result of being a covered employee, an employee of the employee leasing company for purposes of general liability insurance, fidelity bonds, surety bonds, employer's liability which is not covered by workers' compensation, or other liability insurance carried by the employee leasing company.

C.54:54-1 Covered employees considered employees of client company.

7. For purposes of determining economic incentives or benefit based on employment provided by law, rule or regulation by the State or other government entity, covered employees of a client company shall be considered employees solely of the client company, and the client company shall be entitled to the benefit of any economic incentive or other benefit based on

the number of the client company's covered employees, notwithstanding that an employee leasing company is the W-2 reporting employer for the covered employees. Each client company shall be treated as employing only those covered employees co-employed by the client company, and not covered employees employed by other client companies of the employee leasing company. Each employee leasing company shall provide, upon request by the State or any political subdivision thereof, employment information reasonably required for the administration of any economic incentive or benefit program. Each employee leasing company shall provide, upon request by a client company, employment information necessary to support any request, claim, application, or other action by a client company seeking any such economic incentive or benefit. As used in this section, "covered employee," "client company," and "employee leasing company" shall have the same meaning as set forth in section 1 of P.L.2001, c.260 (C.34:8-67).

C.54:54-2 Taxes paid by client company.

8. For the purposes of implementing the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.) any taxes due for services performed by covered employees shall be paid by the client company and not by the employee leasing company. As used in this section "covered employee," "client company" and "employee leasing company" shall have the same meaning as set forth in section 1 of P.L.2001, c.260 (C. 34:8-67).

C.54:54-3 Imposition of sales tax on certain receipts.

9. For the purposes of implementing the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.) any sales tax imposed on employee leasing services provided by an employee leasing company to a client company pursuant to a law enacted after the effective date of P.L.2011, c.118 (C.34:8-68.1 et al.) shall be imposed only on receipts that reflect the amounts charged to client companies for employee leasing services and not on receipts that represent the amounts charged for the payment of wages, salaries, benefits, workers' compensation costs, withholding taxes, or other assessments paid to or on behalf of a covered employee by the employee leasing company under an employee leasing agreement. As used in this section, "employee leasing company," "client company," "covered employee" and "employee leasing agreement" shall have the same meaning as set forth in section 1 of P.L.2001, c.260 (C.34:8-67).

C.54:54-4 Calculation of tax imposed on client company, employee leasing company.

10. For the purposes of implementing any tax imposed on an employer on a per employee basis, the tax imposed on a client company shall be cal-

culated on the basis of its covered employees, and the tax imposed on an employee leasing company shall be calculated on the basis of its employees that are not covered employees. As used in this section, “employee leasing company,” “client company,” and “covered employee” shall have the same meaning as set forth in section 1 of P.L.2001, c.260 (C.34:8-67).

C.54:54-5 Tax imposed on basis of total payroll.

11. For the purposes of implementing any tax imposed on an employer on the basis of total payroll, an employee leasing company, in computing the tax on behalf of the client company, shall be authorized to apply any small business allowance or exemption made available pursuant to law to the client company for covered employees. As used in this section, “employee leasing company,” “client company,” and “covered employee” shall have the same meaning as set forth in section 1 of P.L.2001, c.260 (C.34:8-67).

C.54:54-6 Determination of tax credit.

12. For the purposes of determining any tax credit based on employment provided by law, rule or regulation by the State, covered employees of a client company shall be considered employees solely of the client company, and the client company shall be entitled to the tax credit based on the number of the client company’s covered employees, notwithstanding that an employee leasing company is the W-2 reporting employer for the covered employees. Each client company shall be treated as employing only those covered employees co-employed by the client company, and not covered employees employed by other client companies of the employee leasing company. Each employee leasing company shall provide, upon request of the Division of Taxation in the Department of the Treasury, employment information reasonably required for the administration of any tax credit program. Each employee leasing company shall provide, upon request by a client company, employment information necessary to support any request, claim, application, or other action by a client company seeking any such tax credit. As used in this section, “employee leasing company,” “client company,” and “covered employee” shall have the same meaning as set forth in section 1 of P.L.2001, c.260 (C.34:8-67).

13. This act shall take effect 12 months following enactment.

Approved August 19, 2011.

CHAPTER 119

AN ACT concerning certain taxes on surplus lines insurance and amending and supplementing P.L.1960, c.32.

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

1. Section 7 of P.L.1960, c.32 (C.17:22-6.41) is amended to read as follows:

C.17:22-6.41 Definitions relative to surplus lines insurers.

7. As used in this surplus lines law:

(a) "Surplus lines agent" means an individual licensed as a surplus lines insurance producer with surplus lines authority as provided in P.L.2001, c.210 (C.17:22A-26 et seq.) to handle the placement of insurance coverages on behalf of unauthorized insurers.

(b) "Surplus lines insurer" means an unauthorized insurer in which an insurance coverage is placed or may be placed under this surplus lines law.

(c) To "export" means to place in an unauthorized insurer under this surplus lines law, insurance covering a subject of insurance resident, located, or to be performed in New Jersey.

(d) "Commissioner" means the Commissioner of Banking and Insurance of the State of New Jersey.

(e) "Certificate of insurance" means permanent evidence of insurance on a form approved by the commissioner and issued by a surplus lines agent who has filed evidence of his binding authority with the commissioner on behalf of an alien insurer. When issued other than on behalf of an alien insurer, an initial certificate of insurance will be treated as temporary evidence of insurance, pending the issuance of a policy. "Certificate of insurance" also means evidence of a renewal of that insurance provided: (1) there is no change in the terms or amounts of coverage; (2) the coverage is still eligible for export; and (3) the insured may request the issuance of a new policy.

(f) "Cover note," "binder" or "confirmation of insurance," means temporary evidence of insurance, to be replaced by a policy or certificate of insurance.

(g) "Home state" means,

(1) Except as provided in paragraph (2) of this subsection, the term "home state" means, with respect to an insured:

(i) the state in which an insured maintains its principal place of business or, in the case of an individual, the individual's principal residence; or

(ii) if 100 percent of the insured risk is located out of the state referred to in subparagraph (i) of this paragraph, the state to which the greatest percentage of the insured's taxable premium for that insurance contract is allocated.

(2) If more than one insured from an affiliated group are named insureds on a single nonadmitted insurance contract, the term "home state" means the home state, as determined pursuant to subparagraph (i) of paragraph (1) of this subsection, of the member of the affiliated group that has the largest percentage of premium attributed to it under that insurance contract.

2. Section 25 of P.L.1960, c.32 (C.17:22-6.59) is amended to read as follows:

C.17:22-6.59 Premium receipts tax for surplus lines coverage.

25. The premiums charged for surplus lines coverages are subject to a premium receipts tax of 5% of all gross premiums less any return premiums charged for such insurance. The surplus lines agent shall collect from the insured, either directly or through the originating broker, the amount of the tax, in addition to the full amount of the gross premium charged by the insurer for the insurance; provided, however, that the tax on any unearned portion of the premium shall be returned to the policyholder by the surplus lines agent. The surplus lines agent is prohibited from absorbing such tax, or, as an inducement for insurance or for any other reason, rebating all or any part of such tax or of his commission.

The surplus lines agent shall forward to the commissioner together with his quarterly report submitted pursuant to section 24 of P.L.1960, c.32 (C.17:22-6.58) a check in the amount of the premium receipts tax due for that period made out to "the State of New Jersey," except that where the policies cover fire insurance on property in any municipality or portion of a township, or fire district in this State, which now has or may hereafter have, a duly incorporated firemen's relief association, 3% of the premium receipts tax covering such insurance shall be paid to the treasurer of the New Jersey State Firemen's Association and the remaining 2% of the premium receipts tax shall be forwarded to the commissioner.

The tax imposed hereunder, if delinquent, shall be subject to the provisions of R.S.54:49-3 and R.S.54:49-4.

The check covering taxes paid under the provisions of this act shall be forwarded by the commissioner to the Director of the Division of Taxation

and that portion of the premiums representing fire insurance shall be distributed by him in the amount now or hereafter provided by law as to taxes collected by him from fire insurance companies of other states and foreign countries. The commissioner shall ascertain and report to the Director of the Division of Taxation all facts necessary to enable the director to ascertain, fix and collect the amount of the tax to be paid by each licensee subject thereto under this act.

If a surplus lines policy covers risks or exposures in this State and other states, where this State is the home state, as defined in section 7 of P.L.1960, c.32 (C.17:22-6.41), the tax payable pursuant to this section shall be based on the total United States premium for the applicable policy.

This section does not apply as to insurance of or with respect to insurance of risks of the State Government or its agencies, or of any county or municipality or of any agency thereof.

3. Section 30 of P.L.1960, c.32 (C.17:22-6.64) is amended to read as follows:

C.17:22-6.64 Report of insurance through unauthorized foreign, alien insurer.

30. Every insured who in this State procures or causes to be procured or continues or renews insurance with an unauthorized foreign or alien insurer, or any insured or self-insurer who procures or continues excess loss, catastrophe or other insurance, upon a subject of insurance resident, located or to be performed within this State, other than insurance procured through a surplus lines agent pursuant to the surplus lines law of this State or exempted from tax under section 25 of P.L.1960, c.32 (C.17:22-6.59), shall within 30 days after the date such insurance was so procured, continued, or renewed, file a report of the same with the commissioner in writing and upon forms designated by the commissioner and furnished to such an insured upon request. The report shall show the name and address of the insured or insureds, name and address of the insurer, the subject of the insurance, a general description of the coverage, the amount of premium currently charged therefor, and such additional pertinent information as is reasonably requested by the commissioner.

Any insurance in an unauthorized insurer procured through negotiations or an application, in whole or in part occurring or made within or from within this State, or for which premiums in whole or in part are remitted directly or indirectly from within this State, shall be deemed to be insurance procured, or continued or renewed in this State within the intent of this section.

There is hereby levied upon the obligation, chose in action, or right represented by the premium charged for such insurance, a tax at the rate of 5% of the gross amount of such premium less any return premiums charged for such insurance. Within 30 days after the insurance was so procured, continued or renewed, and coincidentally with the filing with the commissioner of the report provided for in this section, the insured shall pay the amount of the tax to the commissioner, who, after reviewing the above report, shall turn over the amount of the tax to the Director of the Division of Taxation along with a summary of the facts necessary to enable the director to ascertain and fix the proper amount of the tax, except that where the policies cover fire insurance on property in any municipality or portion of a township, or fire district in this State, which now has or may hereafter have, a duly incorporated firemen's relief association, 3% of the premium receipts tax covering such insurance shall be paid to the treasurer of the New Jersey State Firemen's Association and the remaining 2% of the premium receipts tax shall be forwarded to the commissioner.

If the insured fails to withhold from the premium the amount of tax herein levied, the insured shall be liable for the amount thereof and shall pay the same to the commissioner within the time specified in this section.

If a surplus lines policy covers risks or exposures in this State and other states, where this State is the home state, as defined in section 7 of P.L.1960, c.32 (C.17:22-6.41), the tax payable pursuant to this section shall be based on the total United States premium for the applicable policy.

The tax imposed hereunder if delinquent shall be subject to the provisions of R.S.54:49-3 and R.S.54:49-4.

The tax shall be collectible from the insured by civil action brought by the commissioner.

The amount of taxes paid to the Director of the Division of Taxation under the provisions of this section on premiums for fire insurance shall be distributed by him in the manner now or hereafter provided by law as to taxes collected by him from fire insurance companies of other states and foreign countries.

This section does not abrogate or modify, and shall not be construed or deemed to abrogate or modify, any provision of section 3 of P.L.1960, c.32 (C.17:22-6.37), representing or aiding unauthorized insurer prohibited; section 4 of P.L.1960, c.32 (C.17:22-6.38), penalty for representing unauthorized insurer; or section 5 of P.L.1960, c.32 (C.17:22-6.39), suits by unauthorized insurers prohibited; or any other provision of this Title.

This section does not apply as to life or disability insurances.

C.17:22-6.69d Authority of commissioner to enter into compacts, agreements.

4. a. Notwithstanding the provisions of section 24, 25 or 30 of P.L.1960, c.32 (C.17:22-6.58, C.17:22-6.59 or C.17:22-6.64) or any other law to the contrary, the commissioner is authorized, subject to the provisions of section 6 of P.L.2011, c.119 (C.17:22-6.69f), to enter into, modify and to terminate this State's participation in one or more compacts or agreements that establish procedures for the reporting, payment, collection and allocation, among the other states participating in those compacts or agreements, of the premium taxes for multi-state risks paid to this State as the home state pursuant to section 25 or 30 of P.L.1960, c.32 (C.17:22-6.59 and C.17:22-6.64) or paid to any other state as home state as defined in section 7 of P.L.1960, c.32 (C.17:22-6.41) on a risk which is resident or located in this State. The compacts or agreements may address any matters necessary to facilitate the reporting, payment, collection and allocation of premium taxes on multi-state risks, including, but not limited to:

- (1) A method and formula for that allocation;
- (2) Establishment of uniform requirements, forms and procedures that facilitate the reporting, payment, collection and allocation of premium taxes on multi-state risks;
- (3) Establishment of a clearinghouse to facilitate the receipt and distribution of premium taxes and transaction data related to multi-state risks; and
- (4) The authority to collect and distribute taxes based on a single home state rate as well as the rates of other states.

b. In determining whether to enter into one or more compacts or agreements, the commissioner shall consider:

- (1) The efficiencies to be achieved in the reporting, payment, collection and allocation of premium taxes on surplus lines insurance;
- (2) The amount of revenue to be generated through participation in any such compacts or agreements. The commissioner may consult with the State Treasurer in making this determination; and
- (3) Any other material factor relevant to the reporting, payment, collection and allocation of premium taxes on surplus lines insurance.

C.17:22-6.69e Authority of commissioner to modify, terminate compacts, agreements.

5. Notwithstanding any other law to the contrary, the commissioner is authorized, subject to the provisions of section 6 of P.L.2011, c.119 (C.17:22-6.69f), to enter into, modify and to terminate this State's participation in one or more compacts or agreements necessary to implement the federal "Nonadmitted and Reinsurance Reform Act of 2010," Pub.L.111-203 (15 U.S.C. s.8201 et seq.), as authorized by that act, including, but not

limited to, the imposition of eligibility requirements or establishment of eligibility criteria for nonadmitted surplus lines insurers.

C.17:22-6.69f Authority to nullify commissioner's decision.

6. The commissioner shall submit any decision to enter into or terminate this State's participation in any compacts or agreements pursuant to section 4 or 5 of P.L.2011, c.119 (C.17:22-69d or C.17:22-6.69e) to the Joint Budget Oversight Committee, or its successor. The Joint Budget Oversight Committee, or its successor, shall have the authority to nullify any decision to enter into or terminate participation in a compact or agreement. The committee shall notify the commissioner in writing of any nullification within 30 days of receipt of the commissioner's decision. Should the committee not act within 30 days of receipt of the commissioner's decision, the commissioner's decision shall be deemed approved.

C.17:22-6.69g Rules, regulations.

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

8. This act shall take effect on July 21, 2011, but the commissioner may take any action in advance thereof to enter into one or more compacts or agreements as set forth in section 4 or 5 of this act, and may take anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved August 19, 2011.

CHAPTER 120

AN ACT concerning controlled dangerous substances, designated as "Pamela's Law," and amending and supplementing Title 2C of the New Jersey Statutes.

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

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

Definitions.

2C:35-2. Definitions. As used in this chapter:

"Administer" means the direct application of a controlled dangerous substance or controlled substance analog, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by: (1) a practitioner (or, in his presence, by his lawfully authorized agent), or (2) the patient or research subject at the lawful direction and in the presence of the practitioner.

"Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser but does not include a common or contract carrier, public warehouseman, or employee thereof.

"Controlled dangerous substance" means a drug, substance, or immediate precursor in Schedules I through V, any substance the distribution of which is specifically prohibited in N.J.S.2C:35-3, in section 3 of P.L.1997, c.194 (C.2C:35-5.2), in section 5 of P.L.1997, c.194 (C.2C:35-5.3), or in section 2 of P.L.2011, c.120 (C.2C:35-5.3a), and any drug or substance which, when ingested, is metabolized or otherwise becomes a controlled dangerous substance in the human body. When any statute refers to controlled dangerous substances, or to a specific controlled dangerous substance, it shall also be deemed to refer to any drug or substance which, when ingested, is metabolized or otherwise becomes a controlled dangerous substance or the specific controlled dangerous substance, and to any substance that is an immediate precursor of a controlled dangerous substance or the specific controlled dangerous substance. The term shall not include distilled spirits, wine, malt beverages, as those terms are defined or used in R.S.33:1-1 et seq., or tobacco and tobacco products. The term, wherever it appears in any law or administrative regulation of this State, shall include controlled substance analogs.

"Controlled substance analog" means a substance that has a chemical structure substantially similar to that of a controlled dangerous substance and that was specifically designed to produce an effect substantially similar to that of a controlled dangerous substance. The term shall not include a substance manufactured or distributed in conformance with the provisions of an approved new drug application or an exemption for investigational use within the meaning of section 505 of the "Federal Food, Drug and Cosmetic Act," 52 Stat. 1052 (21 U.S.C. s.355).

"Counterfeit substance" means a controlled dangerous substance or controlled substance analog which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person or persons who in fact manufactured, distributed or dispensed 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 or controlled substance analog, whether or not there is an agency relationship.

"Dispense" means to deliver a controlled dangerous substance or controlled substance analog to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery. "Dispenser" means a practitioner who dispenses.

"Distribute" means to deliver other than by administering or dispensing a controlled dangerous substance or controlled substance analog. "Distributor" means a person who distributes.

"Drugs" means (a) substances recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; and (b) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (c) substances (other than food) intended to affect the structure or any function of the body of man or other animals; and (d) substances intended for use as a component of any article specified in subsections (a), (b) and (c) of this section; but does not include devices or their components, parts or accessories.

"Drug or alcohol dependent person" means a person who as a result of using a controlled dangerous substance or controlled substance analog or alcohol has been in a state of psychic or physical dependence, or both, arising from the use of that controlled dangerous substance or controlled substance analog or alcohol on a continuous or repetitive basis. Drug or alcohol dependence is characterized by behavioral and other responses, including but not limited to a strong compulsion to take the substance on a recurring basis in order to experience its psychic effects, or to avoid the discomfort of its absence.

"Hashish" means the resin extracted from any part of the plant Genus Cannabis L. and any compound, manufacture, salt, derivative, mixture, or preparation of such resin.

"Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled dangerous substance or controlled substance analog, either directly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or com-

pounding of a controlled dangerous substance or controlled substance analog by an individual for his own use or the preparation, compounding, packaging, or labeling of a controlled dangerous substance: (1) by a practitioner as an incident to his administering or dispensing of a controlled dangerous substance or controlled substance analog in the course of his professional practice, or (2) by a practitioner (or under his supervision) for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

"Marijuana" means all parts of the plant Genus *Cannabis* L., whether growing or not; the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds, except those containing resin extracted from such plant; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

"Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

- (a) Opium, coca leaves, and opiates;
- (b) A compound, manufacture, salt, derivative, or preparation of opium, coca leaves, or opiates;
- (c) A substance (and any compound, manufacture, salt, derivative, or preparation thereof) which is chemically identical with any of the substances referred to in subsections (a) and (b), except that the words "narcotic drug" as used in this act shall not include decocainized coca leaves or extracts of coca leaves, which extracts do not contain cocaine or ecogine.

"Opiate" means any dangerous substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled pursuant to the provisions of section 3 of P.L.1970, c.226 (C.24:21-3), the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

"Opium poppy" means the plant of the species *Papaver somniferum* L., except the seeds thereof.

"Person" means any corporation, association, partnership, trust, other institution or entity or one or more individuals.

"Plant" means an organism having leaves and a readily observable root formation, including, but not limited to, a cutting having roots, a rootball or root hairs.

"Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

"Practitioner" means a physician, dentist, veterinarian, scientific investigator, laboratory, pharmacy, hospital or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled dangerous substance or controlled substance analog in the course of professional practice or research in this State.

(a) "Physician" means a physician authorized by law to practice medicine in this or any other state and any other person authorized by law to treat sick and injured human beings in this or any other state.

(b) "Veterinarian" means a veterinarian authorized by law to practice veterinary medicine in this State.

(c) "Dentist" means a dentist authorized by law to practice dentistry in this State.

(d) "Hospital" means any federal institution, or any institution for the care and treatment of the sick and injured, operated or approved by the appropriate State department as proper to be entrusted with the custody and professional use of controlled dangerous substances or controlled substance analogs.

(e) "Laboratory" means a laboratory to be entrusted with the custody of narcotic drugs and the use of controlled dangerous substances or controlled substance analogs for scientific, experimental and medical purposes and for purposes of instruction approved by the State Department of Health and Senior Services.

"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 State Department of Health and Senior Services 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 Health and Senior 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 Commissioner of Health and Senior Services pursuant to his authority as provided in section 3 of P.L.1970, c.226 (C.24:21-3).

"State" means the State of New Jersey.

"Ultimate user" means a person who lawfully possesses a controlled dangerous substance or controlled substance analog for his own use or for the use of a member of his household or for administration to an animal owned by him or by a member of his household.

"Prescription legend drug" means any drug which under federal or State law requires dispensing by prescription or order of a licensed physician, veterinarian or dentist and is required to bear the statement "Rx only" or similar wording indicating that such drug may be sold or dispensed only upon the prescription of a licensed medical practitioner and is not a controlled dangerous substance or stramonium preparation.

"Stramonium preparation" means a substance prepared from any part of the stramonium plant in the form of a powder, pipe mixture, cigarette, or any other form with or without other ingredients.

"Stramonium plant" means the plant *Datura Stramonium* Linne, including *Datura Tatula* Linne.

C.2C:35-5.3a Criminalization, degree of crime.

2. a. It is a crime for any person knowingly or purposely to manufacture, distribute or dispense, or to possess or have under his control with intent to manufacture, distribute, or dispense substances containing: 4-methylmethcathinone (mephedrone, 4-MMC); 3,4-methylenedioxypyrovalerone (MDPV); 3,4-methylenedioxymethcathinone (methylone, MDMC), 4-methoxymethcathinone (methedrone, bk-PMMA, PMMC); 3-fluoromethcathinone (3-FMC); or 4-fluoromethcathinone (flephepedrone, 4-FMC).

b. A person who violates subsection a. of this section where the quantity involved is one ounce or more is guilty of a crime of the second degree.

c. A person who violates subsection a. of this section where the quantity involved is less than one ounce is guilty of a crime of the third degree.

C.2C:35-10.3a Criminalization, degree of crime.

3. a. It is a crime for any person, knowingly or purposely, to obtain, or to possess, substances containing: 4-methylmethcathinone (mephedrone, 4-MMC); 3,4-methylenedioxypyrovalerone (MDPV); 3,4-methylenedioxymethcathinone (methylone, MDMC), 4-methoxymethcathinone (methedrone,

bk-PMMA, PMMC); 3-fluoromethcathinone (3-FMC); or 4-fluoromethcathinone (flepheдрone, 4-FMC).

b. A person who violates subsection a. of this section where the quantity involved is one ounce or more is guilty of a crime of the third degree.

c. A person who violates subsection a. of this section where the quantity involved is less than one ounce is guilty of a crime of the fourth degree.

4. This act shall take effect immediately.

Approved August 22, 2011.

CHAPTER 121

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, 2011 and regulating the disbursement thereof, " approved June 30, 2010 (P.L.2010, c.35).

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

1. The following language on page 84 of P.L.2010, c.35 is amended to read as follows:

46 DEPARTMENT OF HEALTH AND SENIOR SERVICES
20 Physical and Mental Health
21 Health Services
GRANTS-IN-AID

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the AIDS Drug Distribution Program shall be conditioned upon the following provision: the annual income eligibility for participation in this program shall not exceed 500% of the federal poverty level. No funds shall be expended for recipients earning greater than 500% of the federal poverty level.

2. This act shall take effect immediately and shall be retroactive to July 1, 2010.

Approved August 22, 2011.

CHAPTER 122

AN ACT extending the moratorium on the imposition of Statewide non-residential development fees, amending P.L.2008, c.46 and P.L.2009, c.90.

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

1. Section 37 of P.L.2008, c.46 (C.40:55D-8.6) is amended to read as follows:

C.40:55D-8.6 Inapplicability of certain provisions of law imposing fee upon developer of certain non-residential property.

37. a. The provisions of this subsection shall not apply to a financial or other contribution that a developer made or committed itself to make prior to the effective date of sections 32 through 38 of P.L.2008, c.46 (C.40:55D-8.1 through C.40:55D-8.7). The provisions of P.L.2008, c.46 that would permit the imposition of a fee upon a developer of non-residential property shall not apply to:

(1) Non-residential property for which a site plan has received either preliminary approval, pursuant to section 34 of P.L.1975, c.291 (C.40:55D-46), or final approval, pursuant to section 38 of P.L.1975, c.291 (C.40:55D-50), prior to July 1, 2013; provided that a permit for the construction of the building has been issued by the local enforcing agency having jurisdiction, in accordance with section 13 of P.L.1975, c.217 (C.52:27D-131), prior to January 1, 2015;

(2) A non-residential planned development which has received approval of a general development plan pursuant to section 5 of P.L.1987, c.129 (C.40:55D-45.3), or a nonresidential development for which the developer has entered into a developer's agreement pursuant to a development approval granted pursuant to P.L.1975, c.291 (C.40:55D-1 et seq.) or for which the redeveloper has entered into a redevelopment agreement pursuant to P.L.1992, c.79 (C.40A:12A-1 et al.) prior to the effective date of P.L.2008, c.46 (C.52:27D-329.1 et al.); provided, however, that the general development plan, developer's agreement, redevelopment agreement, or any development agreement pursuant to the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) provides that the developer or redeveloper pay a fee for affordable housing of at least one percent of the equalized assessed value of the improvements which are the subject of the development plan, developer's agreement, or redevelopment agreement;

(3) A non-residential project that, prior to July 1, 2013, has been referred to a planning board by the State, a governing body, or other public

agency for review pursuant to section 22 of P.L.1975, c.291 (C.40:55D-31); provided that a permit for the construction of the building has been issued by the local enforcing agency having jurisdiction, in accordance with section 13 of P.L.1975, c.217 (C.52:27D-131), prior to January 1, 2015;

(4) A non-residential property for which a site plan application has received approval by the New Jersey Meadowlands Commission, pursuant to section 13 of P.L.1968, c.404 (C.13:17-14) prior to July 1, 2013; provided that a permit for the construction of the building has been issued by the local enforcing agency having jurisdiction, in accordance with section 13 of P.L.1975, c.217 (C.52:27D-131), prior to January 1, 2015;

(5) Individual buildings within a nonresidential phased development that received either preliminary or final approval prior to July 1, 2013, provided that a permit for the construction of the building has been issued prior to January 1, 2015.

b. A developer may challenge non-residential development fees imposed pursuant to P.L.2008, c.46 (C.52:27D-329.1 et al.) by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by the municipality or by the State, as the case may be. Appeals from a determination of the director may be made to the tax court in accordance with the provisions of the State Uniform Tax Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

c. Whenever non-residential development is situated on real property that has been previously developed with a building, structure, or other improvement, the non-residential development fee shall be equal to two and a half (2.5) percent of the equalized assessed value of the land and improvements on the property where the non-residential development is situated at the time the final certificate of occupancy is issued, less the equalized assessed value of the land and improvements on the property where the non-residential development is situated, as determined by the tax assessor of the municipality at the time the developer or owner, including any previous owners, first sought approval for a construction permit, including, but not limited to, demolition permits, pursuant to the State Uniform Construction Code, or approval under the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.). If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

Whenever the developer of a non-residential development has made or committed itself to make a financial or other contribution relating to the pro-

vision of housing affordable to low and moderate income households prior to the enactment of P.L.2008, c.46 (C.52:27D-329.1 et al.), the non-residential development fee shall be reduced by the amount of the financial contribution and the fair market value of any other contribution made by or committed to be made by the developer. For purposes of this section, a developer is considered to have made or committed itself to make a financial or other contribution, if and only if: (1) the contribution has been transferred, including but not limited to when the funds have already been received by the municipality; (2) the developer has obligated itself to make a contribution as set forth in a written agreement with the municipality, such as a developer's agreement; or (3) the developer's obligation to make a contribution is set forth as a condition in a land use approval issued by a municipal land use agency pursuant to the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.).

d. Unless otherwise provided for by law, no municipality shall be required to return a financial or any other contribution made by or committed to be made by the developer of a non-residential development prior to the enactment of P.L.2008, c.46 (C.52:27D-329.1 et al.) relating to the provision of housing affordable to low and moderate income households, provided that the developer does not obtain an amended, modified, or new municipal land use approval with a substantial change in the non-residential development. If the developer obtains an amended, modified, or new land use approval for non-residential development, the municipality, person, or entity shall be required to return to the developer any funds or other contribution provided by the developer for the provision of housing affordable to low and moderate income households and the developer shall not be entitled to a reduction in the affordable housing development fee based upon that contribution.

e. The provisions of sections 32 through 38 of P.L.2008, c.46 (C.40:55D-8.1 through C.40:55D-8.7) shall not be construed in any manner as affecting the method or timing of assessing real property for property taxation purposes. The payment of a non-residential development fee shall not increase the equalized assessed value of any property.

2. Section 39 of P.L. 2009, c.90 (C.40:55D-8.8) is amended to read as follows:

C.40:55D-8.8 Applicability of section.

39. The provisions of this section shall apply only to those developments for which a fee was imposed pursuant to sections 32 through 38 of P.L.2008, c.46 (C.40:55D-8.1 through C.40:55D-8.7), known as the "State-wide Non-residential Development Fee Act."

a. A developer of a property that received preliminary site plan approval, pursuant to section 34 of P.L.1975, c.291 (C.40:55D-46), or final approval, pursuant to section 38 of P.L.1975, c.291 (C.40:55D-50) prior to July 17, 2008 and that was subject to the payment of a nonresidential development fee prior to the enactment of P.L.2009, c.90 (C.52:27D-489a et al.), shall be entitled to a return of any moneys paid that represent the difference between moneys committed prior to July 17, 2008 and monies paid on or after that date.

b. A developer of a non-residential project that, prior to July 17, 2008, has been referred to a planning board by the State, a governing body, or other public agency for review pursuant to section 22 of P.L.1975, c.291 (C.40:55D-31) and that was subject to the payment of a nonresidential development fee prior to the enactment of P.L.2009, c.90 (C.52:27D-489a et al.), shall be entitled to a return of any moneys paid that represent the difference between moneys committed prior to July 17, 2008 and moneys paid on or after that date.

c. If moneys are required to be returned under subsection a., b. or d. of this section, a claim shall be submitted, in writing, to the same entity to which the moneys were paid, within 120 days of the effective date of P.L.2009, c.90 (C.52:27D-489a et al.). The entity to whom the funds were paid shall promptly review all requests for returns, and the fees paid shall be returned to the claimant within 30 days of receipt of the claim for return.

d. A developer of a non-residential project that paid a fee imposed pursuant to sections 32 through 38 of P.L.2008, c.46 (C.40:55D-8.1 through C.40:55D-8.7), subsequent to July 17, 2008 but prior to the effective date of P.L.2009, c.90 (C.52:27D-489a et al.), shall be entitled to the return of those moneys paid, provided that the provisions of section 37 of P.L.2008, c.46 (C.40:55D-8.6), as amended by P.L.2009, c.90 do not permit the imposition of a fee upon the developer of that non-residential property.

e. Notwithstanding the provisions of subsections a., b., c., and d. of this section, if, on the effective date of P.L.2009, c.90 (C.52:27D-489a et al.), a municipality that has returned all or a portion of non-residential fees in accordance with subsection a. or b. of this section shall be reimbursed from the funds available through the appropriation made into the "New Jersey Affordable Housing Trust Fund" pursuant to section 41 of P.L.2009, c.90 (C.52:27D-320.1) within 30 days of the municipality providing written notice to the Council on Affordable Housing.

f. A developer of a non-residential project that paid a fee imposed pursuant to sections 32 through 38 of P.L.2008, c.46 (C.40:55D-8.1 through C.40:55D-8.7), subsequent to June 30, 2010 but prior to the effective date of

P.L.2011, c.122, shall be entitled to the return of those monies paid, provided that said monies have not already been expended by the municipality on affordable housing projects, and provided that the provisions of section 37 of P.L.2008, c.46 (C.40:55D-8.6), as amended by P.L.2011, c.122 do not permit the imposition of a fee upon the developer of that non-residential property. If moneys are eligible to be returned under this subsection, a claim shall be submitted, in writing, to the same entity to which the moneys were paid, within 120 days of the effective date of P.L.2011, c.122. The entity to whom the funds were paid shall promptly review all requests for returns, to ensure applicability of section 37 of P.L.2008, c.46 (C.40:55D-8.6) and the fees paid shall be returned to the claimant within 30 days of receipt of the claim for return.

3. Section 40 of P.L.2009, c.90 (C.52:27D-311.3) is amended to read as follows:

C.52:27D-311.3 Reduction, elimination of affordable housing obligation of municipality.

40. The portion, if any, of the affordable housing obligation of a municipality attributable to a particular non-residential development shall be reduced or eliminated if:

a. the collection of fees under sections 32 through 38 of P.L.2008, c.46 (C.40:55D-8.1 through C.40:55D-8.7) is effectively suspended for a period of time pursuant to that law; and

b. the Council on Affordable Housing, in consultation with the Department of Community Affairs, has made a determination within two years of the effective date of P.L.2009, c.90 (C.52:27D-489a et al.), that there are insufficient funds in the "New Jersey Affordable Housing Trust Fund," or through other State or federal housing subsidies available to a municipality to assist in the production of such housing units, in the same amount as would have been collected if not for the suspension thereof, pursuant to sections 32 through 38 of P.L.2008, c.46 (C.40:55D-8.1 through C.40:55D-8.7) by the date of the determination.

c. Nothing in P.L.2009, c.90 (C.52:27D-489a et al.) shall be construed to affect the municipal obligation to provide a realistic opportunity for its projected fair share of the regional housing need as determined by the Council on Affordable Housing in accordance with the provisions of the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.).

4. This act shall take effect immediately.

Approved August 24, 2011.

CHAPTER 123

AN ACT concerning the creation of a uniform application form for small businesses' eligibility for financial assistance and supplementing Title 52 of the Revised Statutes.

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

C.52:14B-21.1 Definitions relative to creation of uniform application form.

1. As used in this act:

“Department” means the Department of State.

“Financial assistance program” or “program” means any program offered by a State agency to a small business that allows a small business to be deemed eligible to receive a grant or loan of monies pursuant to State law.

“Small business” or “business” means a business entity that employs not more than 50 full-time employees or the equivalent thereof and qualifies as a small business concern within the meaning of the federal “Small Business Act,” Pub.L.85-536 (15 U.S.C. s.631 et seq.).

“State agency” means any of the principal departments in the Executive Branch of State Government, and any division, board, bureau, office, commission, or other instrumentality within or created by such principal department, and any independent State authority, commission, instrumentality, or agency.

C.52:14B-21.2 Establishment, maintenance of program.

2. The department shall, in consultation with the New Jersey Economic Development Authority, establish and maintain a program to assist small businesses in identifying financial assistance programs, offered by any State agency, for which the business may be eligible. The department shall create, modify, and update, as necessary, a uniform application form for the purpose of gathering basic operational and financial information, and any additional information as deemed necessary by the department, from small businesses seeking assistance under this program. The application form shall be created, modified, and updated, as necessary, in a manner that requires a small business to provide the business's basic operational and financial information on the form.

C.52:14B-21.3 Rules, regulations.

3. The department may adopt, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations to effectuate the purposes of this act.

4. This act shall take effect immediately.

Approved September 1, 2011.

CHAPTER 124

AN ACT exempting sales of certain homes and seasonal rentals from the bulk sale notification requirements, amending P.L.2007, c.100.

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

1. Section 5 of P.L.2007, c.100 (C.54:50-38) is amended to read as follows:

C.54:50-38 Notification to director of proposed sale, transfer, assignment of business assets; claim for State taxes; exemptions.

5. a. (1) Whenever a person shall make a sale, transfer, or assignment in bulk of any part or the whole of the person's business assets except as provided by paragraph (2) of this subsection, otherwise than in the ordinary course of business, the purchaser, transferee or assignee shall, at least 10 days before taking possession of the subject of the sale, transfer or assignment, or paying therefor, notify the director by registered mail, or other such method as the director may prescribe, of the proposed sale and of the price, terms and conditions thereof whether or not the seller, transferrer or assignor has represented to, or informed the purchaser, transferee or assignee that the seller, transferrer or assignor owes any State tax and whether or not the purchaser, transferee, or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing. Within 10 days of receiving such notice, the director shall notify the purchaser, transferee or assignee by such means as the director may prescribe that a possible claim for State taxes exists and include the amount of the State's claim.

(2) (a) Paragraph (1) of this subsection shall not apply to the sale, transfer or assignment of a simple dwelling house if the seller, transferrer or assignor is an "individual," "estate," or "trust" as those terms are used for the purposes of the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq.; paragraph (1) shall apply to the sale, transfer or assignment of a simple dwelling house if the seller, transferrer or assignor is a business entity, including but not limited to a corporation or a partnership. "Simple dwelling house" means a dwelling unit, attached or detached, and land appurte-

nant thereto, including but not limited to a one-family or two-family building or structure, a unit of a horizontal property regime established pursuant to the "Horizontal Property Act," P.L.1963, c.168 (C.46:8A-1 et seq.), a unit in a housing cooperative as defined under "The Cooperative Recording Act of New Jersey," P.L.1987, c.381 (C.46:8D-1 et seq.), or a unit of a condominium property established pursuant to the "Condominium Act," P.L.1969, c.257 (C.46:8B-1 et seq.), but does not include a structure or structures containing more than two units of dwelling space or containing, according to the records of the municipal property tax assessor, commercial property including, or in addition to, the units of dwelling space.

(b) Paragraph (1) of this subsection shall not apply to the sale, transfer or assignment of a seasonal rental unit or the sale, transfer or assignment of a lease for the seasonal use or rental of real property if the seller, transferrer or assignor is an "individual," "estate," or "trust" as those terms are used for the purposes of the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq.; paragraph (1) shall apply to the sale, transfer or assignment of a seasonal rental unit or the sale, transfer or assignment of a lease for the seasonal use or rental of real property if the seller, transferrer or assignor is a business entity, including but not limited to a corporation or a partnership.

For the purposes of this paragraph:

"seasonal rental unit" means

(i) a "timeshare estate" as that term is defined by section 2 of P.L.2006, c.63 (C.45:15-16.51); and

(ii) a dwelling unit rented for a term of not more than 125 consecutive days for residential purposes by a person having a permanent residence elsewhere; and

"lease for the seasonal use or rental of real property" means

(i) a "timeshare use" as that term is defined by section 2 of P.L.2006, c.63 (C.45:15-16.51); and

(ii) the use or rental for a term of not more than 125 consecutive days for residential purposes by a person having a permanent place of residence elsewhere.

b. If, upon receiving timely notice of a sale, transfer or assignment from a purchaser, transferee or assignee, the director fails to provide timely notice to the purchaser, transferee or assignee that a possible claim for such State tax or taxes exists, the purchaser, transferee or assignee may transfer over to the seller, transferrer or assignor any sums of money, property or choses in action, or other consideration to the extent of the amount of the State's claim. The purchaser, transferee or assignee shall not be subject to the liabilities and remedies imposed under the provisions of the uniform commercial code, Ti-

tle 12A of the New Jersey Statutes, and shall not be personally liable for the payment to the State of any such taxes theretofore or thereafter determined to be due to the State from the seller, transferrer or assignor.

c. If the purchaser, transferee or assignee shall fail to give notice to the director as required by the preceding paragraph, or if the director shall inform the purchaser, transferee or assignee that a possible claim for such State tax or taxes exists, any sums of money, property or choses in action, or other consideration, which the purchaser, transferee or assignee is required to transfer over to the seller, transferrer or assignor shall be subject to a first priority right and lien for any such State taxes theretofore or thereafter determined to be due from the seller, transferrer or assignor to the State, and the purchaser, transferee or assignee is forbidden to transfer to the seller, transferrer or assignor any such sums of money, property or choses in action to the extent of the amount of the State's claim. For failure to comply with the provisions of this section the purchaser, transferee or assignee, in addition to being subject to the liabilities and remedies imposed under the provisions of the uniform commercial code, Title 12A of the New Jersey Statutes, shall be personally liable for the payment to the State of any such taxes theretofore or thereafter determined to be due to the State from the seller, transferrer or assignor, and such liability may be assessed and enforced in the same manner as the liability for any State tax under the State Uniform Tax Procedure Law, R.S.54:48-1 et seq.

2. This act shall take effect immediately, and shall apply retroactively to sales, transfers and assignments on or after August 1, 2007.

Approved September 14, 2011.

CHAPTER 125

AN ACT concerning the Congregate Housing Services Program and supplementing P.L.1981, c.553 (C.52:27D-182 et seq.).

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

C.52:27D-191.1 Bill of rights for recipients of Congregate Housing Services Program.

1. a. The Department of Health and Senior Services shall ensure that a person receiving services under the Congregate Housing Services Program including, but not limited to, meal preparation, housekeeping, shopping,

laundry, linens change, companionship, and personal care, receives those services in a manner that promotes the dignity of and shows respect for the person.

b. A Congregate Housing Services Program shall make information related to its services available to the manager of a subsidized housing facility that has contracted with the State to provide a Congregate Housing Services Program. The manager shall be responsible for the distribution and dissemination of the information to its residents and shall include in that information a statement that the services provided by the program shall be provided to:

- (1) help meet the needs of a resident;
- (2) foster the independence and individuality of a resident;
- (3) treat a resident with respect, courtesy, consideration, and dignity;

and

(4) assure a resident the right to make choices with respect to services and lifestyle.

c. A Congregate Housing Services Program shall:

(1) advise a resident receiving congregate housing services, in writing, of the availability of information from the Division of Aging and Community Services in the Department of Health and Senior Services about issues that may be of concern to a resident; and

(2) make available, upon request, the qualifications of a counselor or other professional who is providing services to residents under the Congregate Housing Services Program.

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

Approved September 16, 2011.

CHAPTER 126

AN ACT providing for equal opportunity for businesses to apply for certain energy-related incentives and funding, and supplementing Title 48 of the Revised Statutes.

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

C.48:3-60.2 BPU to provide equal opportunity for certain types of funding incentives for businesses.

1. Notwithstanding any law, rule, regulation or order to the contrary, the Board of Public Utilities shall provide equal opportunity for businesses in all areas of the State that pay the societal benefits charge that is imposed pursuant to section 12 of P.L.1999, c.23 (C.48:3-60) to apply for, and receive, incentives or funding under programs that are financed by that charge.

2. This act shall take effect on the first day of the sixth month following enactment, except that the board may take such action in advance of the effective date as shall be necessary to implement the provisions of this act.

Approved September 16, 2011.

CHAPTER 127

AN ACT concerning auto body repair facilities and amending P.L.2001, c.53.

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

1. Section 7 of P.L.2001, c.53 (C.39:13-2.1) is amended to read as follows:

C.39:13-2.1 Qualification for full service license.

7. a. To qualify for a full service license an auto body repair facility shall:

(1) Have a building suitable for the conduct of all operations within the building, and a Certificate of Occupancy for an auto body repair facility issued by the applicable zoning authority. In the absence of evidence to the contrary, public operation as an auto body repair facility for a continuous period of five years shall create a presumption of compliance;

(2) Have all required licenses, permits and registrations required for the conduct of business including, but not limited to: a federal tax identification number; a New Jersey sales tax identification number; hazardous waste disposal systems that are in accordance with standards established by the State or federal government; stack permits; and any other licenses, permits and registrations as the director may find applicable;

(3) Maintain insurance coverage for damage to property and for liability arising from bodily injury, including, but not limited to: eligible garage liability or equivalent commercial general liability insurance in a minimum amount of \$300,000 or a letter of credit in the amount of \$300,000; garage keepers' liability insurance in a minimum amount of \$50,000 or a letter of credit in the amount of \$50,000; workers' compensation insurance coverage in the amounts required pursuant to R.S.34:15-1 et seq.; fire insurance, and any other coverage required by the director;

(4) Possess and maintain an auto body repair facility reference source for estimating the cost of repairs, which reference source is generally accepted by the auto body repair industry. The reference source may be in either book or computerized form;

(5) Possess and maintain equipment to safely raise and support vehicles for inspection and repair;

(6) Possess and maintain a metal inert gas welder;

(7) Possess, maintain and utilize for all spray painting:

(a) an enclosed area for refinishing which complies with all applicable safety, fire, environmental and other regulations;

(b) the means to supply fresh air to workers within the spray area when using materials that require breathable air to be supplied; and

(c) a filtration method to reduce particles from the air exhausted from the spray area which is established in accordance with standards established by the State or federal government;

(8) Have equipment necessary to perform or the means for performing structural repair including, but not limited to: equipment to make multiple body and chassis pulls to straighten damaged vehicle components; equipment to anchor a unibody vehicle at four points; a three dimensional measuring device suitable to measure structural dimensions of symmetrical and non-symmetrical vehicles; and dimensional guides appropriate to the vehicles being repaired;

(9) Have equipment necessary to perform or the means for performing vehicle four-wheel alignment;

(10) Have (a) equipment necessary to perform or the means for performing vehicle air conditioner servicing including the means to evacuate, recycle, and recharge refrigerants and (b) a technician-employee certified to perform such repairs;

(11) Have equipment necessary to perform or the means for performing mechanical repairs necessitated by collision damage; and

(12) Provide evidence that at least one employee or ten (10%) percent, whichever is greater, of the employees performing repairs at the auto body

repair facility have completed a recognized auto body repair related training course during the year immediately preceding the application for or renewal of licensure as a full service auto body repair facility. Training courses available through ICAR (Inter-Industry Conference on Auto Collision Repair), the manufacturer's representative or a generally recognized auto body repair training program shall qualify to satisfy the requirement.

b. An auto body repair facility may, however, qualify for a full service license if it meets all of the conditions established by paragraphs (1), (2), (3), (4), (5), (6), (7) and (12) of subsection a. of this section and has a written agreement to subcontract with another auto body repair facility licensee or other party to perform the work for which the equipment set forth in paragraph (8), (9), (10) or (11) of subsection a. of this section is required provided, however, that the other party meets the requirements set forth in those paragraphs with regard to equipment or the means for performing the required tasks and training.

2. This act shall take effect immediately.

Approved September 16, 2011.

CHAPTER 128

AN ACT concerning diversionary programs for certain juveniles, amending P.L.1982, c.81 and supplementing Title 2A of the New Jersey Statutes.

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

1. Section 2 of P.L.1982, c.81 (C.2A:4A-71) is amended to read as follows:

C.2A:4A-71 Review and processing of complaints.

2. Review and processing of complaints. a. The jurisdiction of the court in any complaint filed pursuant to section 11 of P.L.1982, c.77 (C.2A:4A-30) shall extend to the juvenile who is the subject of the complaint and his parents or guardian.

b. Every complaint shall be reviewed by court intake services for recommendation as to whether the complaint should be dismissed, diverted, or referred for court action. Where the complaint alleges a crime which, if committed by an adult, would be a crime of the first, second, third or fourth

degree, or alleges a repetitive disorderly persons offense or any disorderly persons offense defined in chapter 35 or chapter 36 of Title 2C, the complaint shall be referred for court action, unless the prosecutor otherwise consents to diversion. Court intake services shall consider the following factors in determining whether to recommend diversion:

- (1) The seriousness of the alleged offense or conduct and the circumstances in which it occurred;
- (2) The age and maturity of the juvenile;
- (3) The risk that the juvenile presents as a substantial danger to others;
- (4) The family circumstances, including any history of drugs, alcohol abuse or child abuse on the part of the juvenile, his parents or guardian;
- (5) The nature and number of contacts with court intake services and the court that the juvenile or his family have had;
- (6) The outcome of those contacts, including the services to which the juvenile or family have been referred and the results of those referrals;
- (7) The availability of appropriate services outside referral to the court;
- (8) Any recommendations expressed by the victim or complainant, or arresting officer, as to how the case should be resolved;
- (9) Any recommendation expressed by the county prosecutor; and
- (10) The amenability of the juvenile to participation in a remedial education or counseling program that satisfies the requirements of subsection b. of section 2 of P.L.2011, c.128 (C.2A:4A-71.1) if the offense alleged is an eligible offense as defined in subsection c. of section 2 of P.L.2011, c.128 (C.2A:4A-71.1).

C.2A:4A-71.1 Diversionary programs for certain juveniles.

2. a. Where a complaint against a juvenile pursuant to section 11 of P.L.1982, c.77 (C.2A:4A-30) alleges that the juvenile has committed an eligible offense as defined in subsection c. of this section and the court has approved diversion of the complaint pursuant to section 4 of P.L.1982, c.81 (C.2A:4A-73), the resolution of the complaint shall include the juvenile's participation in a remedial education or counseling program. The parents or guardian of the juvenile shall bear the cost of participation in the program, except that the court shall take into consideration the ability of the juvenile's parents or guardian to pay and the availability of such a program in the area in which the juvenile resides and, where appropriate, may permit the juvenile to participate in a self-guided awareness program in lieu of a remedial education or counseling program provided that it satisfies the requirements of subsection b. of this section.

b. A remedial education or counseling program satisfies the requirements of this act if the program is designed to increase the juvenile's awareness of:

(1) the legal consequences and penalties for sharing sexually suggestive or explicit materials, including applicable federal and State statutes;

(2) the non-legal consequences of sharing sexually suggestive or explicit materials including, but not limited to, the effect on relationships, loss of educational and employment opportunities, and being barred or removed from school programs and extracurricular activities;

(3) the potential, based upon the unique characteristics of cyberspace and the Internet, of long-term and unforeseen consequences for sharing sexually suggestive or explicit materials; and

(4) the possible connection between bullying and cyber-bullying and juveniles sharing sexually suggestive or explicit materials.

c. As used in this act, "eligible offense" means an offense in which:

(1) the facts of the case involve the creation, exhibition or distribution of a photograph depicting nudity as defined in N.J.S.2C:24-4 through the use of an electronic communication device, an interactive wireless communications device, or a computer; and

(2) the creator and subject of the photograph are juveniles or were juveniles at the time of its making.

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

Approved September 16, 2011.

CHAPTER 129

AN ACT concerning domestic violence and amending P.L.2003, c.225.

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

1. Section 3 of P.L.2003, c.225 (C.52:27D-43.17c) is amended to read as follows:

C.52:27D-43.17c Membership of board, terms, compensation.

3. a. The board shall consist of 23 members as follows:

(1) the Commissioners of Community Affairs, Human Services, Children and Families, and Health and Senior Services, the Director of the Division on Women in the Department of Community Affairs, the Attorney General, the Public Defender, the Superintendent of the State Police, the Director of the Division of Youth and Family Services in the Department of Children and Families, the Supervisor of the Office on the Prevention of Violence Against Women in the Department of Community Affairs established pursuant to Executive Order No. 61 (1992), the State Medical Examiner, the Program Director of the Domestic Violence Fatality Review Board established pursuant to Executive Order No. 110 (2000) and the chairperson of the Child Fatality and Near Fatality Review Board, or their designees, who shall serve ex officio;

(2) eight public members appointed by the Governor who shall include a representative of the County Prosecutors Association of New Jersey with expertise in prosecuting domestic violence cases, a representative of the New Jersey Coalition for Battered Women, a representative of a program for battered women that provides intervention services to perpetrators of acts of domestic violence, a representative of the law enforcement community with expertise in the area of domestic violence, a psychologist with expertise in the area of domestic violence or other related fields, a licensed social worker with expertise in the area of domestic violence, a licensed health care professional knowledgeable in the screening and identification of domestic violence cases and a county probation officer; and

(3) two retired judges appointed by the Administrative Director of the Administrative Office of the Courts, one with expertise in family law and one with expertise in municipal law as it relates to domestic violence.

b. The public members of the board shall serve for three-year terms, except that of the public members first appointed, four shall serve for a period of one year, three shall serve for a period of two years and two shall serve for a period of three years. The members shall serve without compensation, but shall be eligible for reimbursement for necessary and reasonable expenses incurred in the performance of their official duties and within the limits of funds appropriated for this purpose. Vacancies in the membership of the board shall be filled in the same manner as the original appointments were made.

c. The board shall select a chairperson from among its members who shall be responsible for the coordination of all activities of the board.

d. The board is entitled to call to its assistance and avail itself of the services of employees of any State, county or municipal department, board, bureau, commission or agency as it may require and as may be available for the purposes of reviewing a case pursuant to the provisions of this act.

e. The board may seek the advice of experts, such as persons specializing in the fields of psychiatric and forensic medicine, nursing, psychology, social work, education, law enforcement, family law, academia, military affairs or other related fields, if the facts of a case warrant additional expertise.

2. This act shall take effect immediately.

Approved September 16, 2011.

CHAPTER 130

AN ACT concerning the service life of school buses and amending P.L.1983, c.206.

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

1. Section 1 of P.L.1983, c.206 (C.39:3B-5.1) is amended to read as follows:

C.39:3B-5.1 Duration of use of school buses.

1. School buses manufactured prior to April 1, 1977, other than those of the transit type whose gross vehicle weight (G.V.W.) exceeds 25,000 pounds, shall not be used for pupil transportation purposes beyond the end of the tenth year from the date of manufacture, as noted on the vehicle registration, or at the end of the school year in which that date falls, whichever is later. School buses manufactured on or after April 1, 1977 and before January 1, 2007, other than those of the transit type whose gross vehicle weight (G.V.W.) exceeds 25,000 pounds, shall not be used for pupil transportation purposes beyond the end of the twelfth year from the date of manufacture, as noted on the vehicle registration, or at the end of the school year in which that date falls, whichever is later. School buses manufactured on or after January 1, 2007, and school buses manufactured prior to January 1, 2007 that have been installed with closed crankcase technology pursuant to the provisions of section 6 of P.L.2005, c.219 (C.26:2C-8.31) and any regulations promulgated thereunder, other than those of the transit type whose gross vehicle weight (G.V.W.) exceeds 25,000 pounds, shall not be used for pupil transportation purposes beyond the end of the fifteenth year

from the date of manufacture, as noted on the vehicle registration, or at the end of the school year in which that date falls, whichever is later.

Notwithstanding any provision of this section to the contrary, a "Type S" school bus as defined by N.J.A.C.13:20-51.2 shall not be used for pupil transportation purposes beyond the end of the twelfth year from the date of manufacture, as noted on the vehicle registration, or at the end of the school year in which that date falls, whichever is later.

2. This act shall take effect immediately.

Approved September 16, 2011.

CHAPTER 131

AN ACT concerning the "Senior Gold Prescription Discount Program" and supplementing P.L.2001, c.96 (C.30:4D-43 et seq.).

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

C.30:4D-48.1 Senior Gold prescription program information displayed on tax return instructions.

1. The Director of the Division of Taxation in the Department of the Treasury shall prominently display the eligibility qualifications for and benefits available under the "Senior Gold Prescription Discount Program," established pursuant to P.L.2001, c.96 (C.30:4D-43 et seq.), in the accompanying instruction booklet that the division makes available annually, whether electronically or in print, to taxpayers for the purpose of filing the gross income tax under the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq., commencing with the instruction booklet for the purpose of filing the New Jersey gross income tax for calendar year 2011. The director shall have the discretion to determine the placement of this information within the instruction booklet, which shall include the telephone number to call for information about the Senior Gold Prescription Discount Program.

2. This act shall take effect immediately.

Approved September 16, 2011.

CHAPTER 132

AN ACT concerning the provision of public school transportation services and supplementing chapter 39 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:39-1c Waiver for pupil transportation services under certain circumstances.

1. a. Notwithstanding the provisions of N.J.S.18A:39-1 or any other section of law to the contrary, a school district shall not be required to provide transportation services for the school year to an elementary school pupil who lives more than two miles from his public school of attendance or to a secondary school pupil who lives more than 2 ½ miles from his public school of attendance if the pupil's parent or guardian signs a written statement that the pupil waives transportation services for that school year. The written statement shall be in such form as determined by the Department of Education.

b. In the event that a parent or guardian signs a waiver pursuant to subsection a. of this section, the school district shall develop a policy for the provision of transportation services to the pupil in the case of a family or economic hardship.

2. This act shall take effect for the 2011-2012 school year.

Approved September 16, 2011.

CHAPTER 133

AN ACT providing for sponsorship by private entities of NJDOT safety or emergency service patrol vehicles and equipment, amending P.L.1966, c.301.

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

1. Section 5 of P.L.1966, c.301 (C.27:1A-5) is amended to read as follows:

C.27:1A-5 Additional functions, powers, duties of commissioner.

5. The commissioner, as head of the department, shall have all of the functions, powers and duties heretofore vested in the State Highway Com-

missioner and shall, in addition to the functions, powers and duties vested in him by this act or by any other law:

(a) Develop and maintain a comprehensive master plan for all modes of transportation development, with special emphasis on public transportation. Such plan shall be revised and updated at least every five years;

(b) Develop and promote programs to foster efficient and economical transportation services in the State;

(c) Prepare plans for the preservation, improvement and expansion of the public transportation system, with special emphasis on the coordination of transit modes and the use of rail rights of way, highways and public streets for public transportation purposes;

(d) Enter into contracts with the New Jersey Transit Corporation for the provision and improvement of public transportation services;

(e) Coordinate the transportation activities of the department with those of other public agencies and authorities;

(f) Cooperate with interstate commissions and authorities, State departments, councils, commissions and other State agencies, with appropriate federal agencies, and with interested private individuals and organizations in the coordination of plans and policies for the development of air commerce and air facilities;

(g) Make an annual report to the Governor and the Legislature on the department's operations, and render such other reports as the Governor shall from time to time request or as may be required by law;

(h) Promulgate regulations providing for the charging of and setting the amount of fees for certain services performed by and permits issued by the department, including but not limited to the following:

(1) Providing copies of documents prepared by or in the custody of the department;

(2) Aeronautics permits;

(3) Right-of-way permits;

(4) Traffic signal control systems;

(i) Develop and promote programs for the preservation, improvement and expansion of freight railroads, with special emphasis on the use of rail rights of way for the purpose of providing rail freight service;

(j) Develop and promote a program to ensure the safety and continued operation of aviation facilities in New Jersey;

(k) Enter into agreements with a public or private entity or consortia thereof to provide for the development of demonstration projects through the use of public-private partnerships pursuant to sections 1 through 9 of P.L.1997, c.136 (C.27:1D-1 through C.27:1D-9);

(l) Do any and all things necessary, convenient or desirable to effectuate the purposes of P.L.1966, c.301 (C.27:1A-1 et seq.) and to exercise the powers given and granted in that act; and

(m) Enter into agreements or contracts with a private entity and charge and collect fees or other payments 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 operated by the department, or operated by a private entity under contract with the department or through the use of a public-private partnership or demonstration project.

2. This act shall take effect immediately.

Approved September 16, 2011.

CHAPTER 134

AN ACT eliminating the separate presidential primary election and amending various parts of the statutory law.

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

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

As used in this title.

19:1-1. As used in this Title:

"Election" means the procedure whereby the electors of this State or any political subdivision thereof elect persons to fill public office or pass on public questions.

"General election" means the annual election to be held on the first Tuesday after the first Monday in November.

"Primary election for the general election" means the procedure whereby the members of a political party in this State or any political subdivision thereof nominate candidates to be voted for at general elections, or elect persons to fill party offices.

"Municipal election" means an election to be held in and for a single municipality only, at regular intervals.

"Special election" means an election which is not provided for by law to be held at stated intervals.

"Any election" includes all primary, general, municipal, school and special elections, as defined herein.

"Municipality" includes any city, town, borough, village, or township.

"School election" means any annual or special election to be held in and for a local or regional school district established pursuant to chapter 8 or chapter 13 of Title 18A of the New Jersey Statutes.

"Public office" includes any office in the government of this State or any of its political subdivisions filled at elections by the electors of the State or political subdivision.

"Public question" includes any question, proposition or referendum required by the legislative or governing body of this State or any of its political subdivisions to be submitted by referendum procedure to the voters of the State or political subdivision for decision at elections.

"Political party" means a party which, at the election held for all of the members of the General Assembly next preceding the holding of any primary election held pursuant to this Title, polled for members of the General Assembly at least 10% of the total vote cast in this State.

"Party office" means the office of delegate or alternate to the national convention of a political party or member of the State, county or municipal committees of a political party.

"Masculine" includes the feminine, and the masculine pronoun wherever used in this Title shall be construed to include the feminine.

"Presidential year" means the year in which electors of President and Vice-President of the United States are voted for at the general election.

"Election district" means the territory within which or for which there is a polling place or room for all voters in the territory to cast their ballots at any election.

"District board" means the district board of registry and election in an election district.

"County board" means the county board of elections in a county.

"Superintendent" means the superintendent of elections in counties wherein the same shall have been appointed.

"Commissioner" means the commissioner of registration in counties.

"File" or "filed" means deposited in the regularly maintained office of the public official wherever said regularly maintained office is designated by statute, ordinance or resolution.

2. R.S.19:2-1 is amended to read as follows:

Primary elections for delegates, alternates, general, special elections.

19:2-1. Primary elections for delegates and alternates to national conventions of political parties and for the general election shall be held in each year on the Tuesday next after the first Monday in June between the hours of 6:00 A.M. and 8:00 P.M., Standard Time. Primary elections for special elections shall be held not earlier than 30 nor later than 20 days prior to the special elections.

3. R.S.19:3-3 is amended to read as follows:

Election of delegates, alternates at primary election.

19:3-3. Delegates and alternates to the national conventions of the political parties shall be elected at the primary election to be held on the Tuesday next after the first Monday in June in that year.

The members of State, county and municipal committees of the political parties shall be chosen at the primary for the general election as hereinafter provided.

4. Section 6 of P.L.1976, c.83 (C.19:4-15) is amended to read as follows:

C.19:4-15 Division of election district, timing.

6. a. No county board shall make division of an election district in any year in the period commencing 75 days before the primary election for the general election, and the day of the general election.

b. To facilitate the use of Federal decennial census populations for apportionment and redistricting purposes and notwithstanding the provisions of this or any other law, no election districts shall, except with the prior approval of the Secretary of State, be created, abolished, divided or consolidated between January 1 of any year whose last digit is 7 and December 1 of any year whose last digit is 0.

5. R.S.19:6-2 is amended to read as follows:

Application for membership on district board; qualifications.

19:6-2. a. The following persons may apply in writing to the county board, on a form prepared and furnished by the county board, for appointment as a member of a district board of any municipality in the county in which he or she resides: (1) a legal voter who is a member of a political party by virtue of having voted in a party primary or who has filed a party declaration form for the ensuing primary election for the general election

with the commissioner of the county in which the voter is registered and who, for two years prior to making written application, has not espoused the cause of another political party or its candidates; (2) a legal voter who is not affiliated with a political party; (3) a United States citizen and resident of this State who is 16 or 17 years of age, attends a secondary school and has the written permission of his or her parent or guardian to serve as a member of the board if appointed; or (4) a United States citizen and resident of this State who is 16 or 17 years of age and has graduated from a secondary school or has passed a general educational development test, GED, and has the written permission of his or her parent or guardian to serve as a member of the board if appointed.

b. The application, signed by the applicant under his or her oath, shall state: (1) the applicant's name and address; (2) the applicant's age, if the applicant is less than 18 years of age; (3) the political party to which he or she belongs or, if the applicant is not affiliated with a political party, the fact that the applicant is not so affiliated; (4) that the applicant is of good moral character and has not been convicted of any crime involving moral turpitude; and (5) that the applicant possesses the following qualifications: eyesight, with or without correction, sufficient to read nonpareil type; ability to read the English language readily; ability to add and subtract figures correctly; ability to write legibly with reasonable facility; reasonable knowledge of the duties to be performed by the applicant as an election officer under the election laws of this State; and health sufficient to discharge his or her duties as an election officer.

c. If an applicant for appointment to a district board is 16 or 17 years of age, then the applicant shall provide to the county board, along with the application provided under subsection b. of this section: (1) a written document signed by the applicant's parent or guardian giving the applicant permission to serve as a member of a district board if appointed and (2) if an election, meeting or training is scheduled to take place when school is in session, a written document from his or her school that acknowledges the applicant's application for appointment as a member of a district board and excuses the applicant from school on the dates of service if appointed, except that the requirement contained in subparagraph (2) of this subsection shall not apply to a United States citizen and resident of this State who is 16 or 17 years of age and has graduated from a secondary school or has passed a general educational development test, GED.

d. No person shall be precluded from applying to serve as a member of a district board of any municipality for failure to vote in any year such person was ineligible to vote by reason of age or residence.

e. In no case shall a person 16 or 17 years of age be permitted to serve as a member of a district board on the day of an election for more than the number of hours permitted for such a person to work pursuant to P.L.1940, c.153 (C.34:2-21.1 et seq.), as amended and supplemented.

6. R.S.19:6-3 is amended to read as follows:

Appointment of district board members by county board, Assignment Judge of Superior Court.

19:6-3. a. (1) The county board shall, on or before April 1, appoint the members of the district boards in the manner prescribed by paragraph (2) of this subsection. The members of any district board shall be equally apportioned between the two political parties which at the last preceding general election held for the election of all of the members of the General Assembly cast the largest and next largest number of votes respectively in this State for members of the General Assembly, except that if the county board is unable to fill all of the positions of the members of a particular district board from among qualified members of those two political parties, the county board shall appoint to any such unfilled position an otherwise qualified person who is unaffiliated with any political party, but no such appointment of an unaffiliated person shall be made prior to March 25, and in no event shall more than two such unaffiliated persons serve at the same time on any district board.

(2) In making appointments of members of the several district boards of the county, the county board shall consult with the chairperson of the county committee of each of the two political parties referred to in paragraph (1) of this subsection. On or before March 15 of each year, the county board shall transmit to each of those chairpersons a list of those positions on the membership of the several district boards that are subject to apportionment under that paragraph (1) to the political party of which that chairperson is a member, and to which the county board has been unable to make an appointment from among qualified members of that political party. The county board shall include with each such list a request that the chairperson to whom that list is transmitted return to the board a list of the names of candidates for those unfilled positions. On or before March 25, the county board shall, on the basis of the lists so returned to it, fill as many of the remaining unfilled positions in the membership of the several district boards as possible, and shall assign or reassign appointees as necessary to ensure that the membership of each district board within the county shall include at least one member of each of the two political parties. The county

board shall then appoint to any unfilled position on a district board an otherwise qualified person who is unaffiliated with any political party.

b. In case the county board shall neglect, refuse or be unable to appoint and certify the members of the district boards as herein provided, the Assignment Judge of the Superior Court shall, before April 10 of every other year, make such appointments and certifications.

7. R.S.19:6-10 is amended to read as follows:

Meeting, organization of district board.

19:6-10. Each district board shall, on or before the second Tuesday next preceding the primary election, meet and organize by the election of one of its members as judge, who shall be chairman of the board, and another of its members as inspector. The judge and inspector shall not be members or voters of the same political party. In case of failure to elect a judge as herein provided, after balloting or voting three times, the senior member of the board in respect to length of continuous service as a member of such district board shall become judge, and in case of failure to elect an inspector after balloting or voting three times, the next senior member of the board in respect to length of continuous service as a member of such district board shall become inspector; provided, that both the chairman and the inspector shall not be members or voters of the same political party. The other members of the board shall be clerks of election, and shall perform all the duties required by law of the clerks of district boards.

8. R.S.19:6-18 is amended to read as follows:

Nomination for member of county board; certification, appointment, term.

19:6-18. During the 30-day period immediately preceding February 15 in each year, the chairman and vice-chairlady of each county committee and the State committeeman and State committeewoman of each of such two political parties, respectively shall meet and jointly, in writing, nominate one person residing in the county of such county committee chairman, duly qualified, for member of the county board in and for such county.

If more than two members are elected to the State committee of any party from a county, the State committeeman and State committeewoman who shall participate in the process of nomination shall be those holding full votes who received the greatest number of votes in their respective elections for members of the State committee.

If nomination be so made, the said county committee chairman shall certify the nomination so made to the State chairman and to the Governor,

and the Governor shall commission such appointees, who shall be members of opposite parties, on or before March 1. If nomination be not so made on account of a tie vote in the said meeting of the county committee chairman, county committee vice-chairlady, State committeeman and State committeewoman, in respect to such nomination, the said county committee chairman shall certify the fact of such a tie vote to the State chairman, who shall have the deciding vote and who shall certify, in writing, to the Governor, the nomination made by his deciding vote. Appointees to county boards of election pursuant to this section shall continue in office for 2 years from March 1 next after their appointment.

The first appointment having been made pursuant to law for terms of 1 and 2 years, respectively, the members subsequently appointed each year shall fill the offices of the appointees whose terms expire in that year.

9. R.S.19:6-22 is amended to read as follows:

Organization of county board of elections.

19:6-22. a. (1) The county boards shall, at 10 a.m., on the second Tuesday in March, or on such other day as they may agree on within the first 15 days in March in each year, meet at the courthouse, or other place as provided for, in their respective counties, and, subject to the provisions of paragraph (2) of this subsection, organize by electing one of their number to be chairman and one to be secretary; but the chairman and secretary shall not be members of the same political party.

(2) In case of failure to elect a chairman after three ballots or viva voce votes, the member having the greatest seniority on the board shall be the chairman thereof, except that if the member having the greatest seniority on the board so chooses, that member shall instead be secretary of the board; in the event that that senior member so chooses to become secretary, no election shall be held to choose a secretary of the board, the board shall elect one of its members who is not of the same political party as the secretary to be the chairman of the board, and in the case of a failure again to elect a chairman after three ballots or viva voce votes, the person among those members having the greatest seniority on the board shall be the chairman thereof.

In any case of failure to elect a chairman, if two or more members of the board who are eligible to become chairman have greatest and equal seniority on the board, then the board shall, not later than the fifth day following the organization meeting, notify the Governor of an inability to fill the position of chairman either by election or on the basis of seniority, including in that notice a certification of the names of those senior members of

the board. In addition, if the position of secretary has not otherwise been filled under the foregoing provisions of this paragraph, the board shall defer for the time being the election of a secretary. Not later than the fifth day following receipt of the notice, the Governor shall designate one of those senior members to be chairman of the board and certify that designation to the board. If the position of secretary was not filled at the initial meeting of the county board to organize, then not later than the fifth day following receipt of that certification, the board shall reconvene at the call of the chairman so designated and shall elect a secretary of the board.

In case of failure to elect a secretary after three ballots or viva voce votes, the member of the board having the greatest seniority shall be secretary of the board, except that if that member has become chairman because of election to that position or because of designation as a result of the failure to elect a chairman, the member with the next greatest seniority shall be secretary. In no case, however, shall the chairman and secretary be members of the same political party.

Seniority for the purposes of this section shall be determined by the total amount of time that a person has served as a member of the board, beginning from the date that that person took the oath of office as a member.

b. The boards shall have power in their discretion to hold their meetings for any purpose, except organization, in any part of their respective counties. Meetings may be called by either the chairman or the secretary of the board, or at the request of any two members.

10. R.S.19:7-2 is amended to read as follows:

Appointment of challengers.

19:7-2. 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 also act as a challenger as herein provided and may likewise appoint 2 challengers for each district in which he is to be voted for; but only 2 challengers shall be allowed for each election district to represent all the candidates nominated in and by the same original petition. The appointment of the challengers shall be in writing under the hand of the person or persons making same and shall specify the names and residences of the challengers and the election districts for which they are severally appointed. 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 2 challengers each to represent such proponents or opponents. Such challengers shall be in addition to those provided for in section 19:7-1 of this Title.

11. R.S.19:8-2 is amended to read as follows:

Suggested list of available places, selection.

19:8-2. The clerk of every municipality, on or before April 1 shall certify to the county board of every county wherein such municipality is located a suggested list of places in the municipality suitable for polling places. The county board shall select the polling places for the election districts in the municipalities of the county for all elections in the municipalities thereof, including all commission government elections in the county. The county boards shall not be obliged to select the polling places so suggested by the municipal clerks, but may choose others where they may deem it expedient. Preference in locations shall be given to schools and public buildings where space shall be made available by the authorities in charge, upon request, if same can be done without detrimental interruption of school or the usual public services thereof, and for which the authority in charge shall be reimbursed, by agreement, for expenses of light, janitorial and other attending services arising from such use. Each polling place selected shall be accessible to individuals with disabilities and the elderly. A polling place 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.). In no case shall the authorities in charge of a public school or other public building deny the request of the county board for the use, as a polling place, of any building they own or lease.

Where the county board shall fail to agree as to the selection of the polling place or places for any election district, within five days of an election, the county clerk shall select and designate the polling place or places in any such election district.

The county board may select a polling place other than a schoolhouse or public building outside of the district but such polling place shall not be located more than 1,000 feet distant from the boundary line of the district. The Secretary of State may, however, permit a polling place to be 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.

Whenever possible, the county board shall contact the managers or owners of commercial or private buildings that the board deems suitable to

use as polling places, and are in or near an election district lacking an accessible polling place, to determine whether a portion of such a building may be used as a polling place on the day of an election. Reimbursement for the use of a portion of such a building shall be the same as provided by this section for schools and public buildings.

Neither the owner nor operator of a facility designated as a polling place by the county board is permitted or authorized to relocate the polling place room in the building without the express prior approval of the board.

12. Section 4 of P.L.1991, c.429 (C.19:8-3.4) is amended to read as follows:

C.19:8-3.4 Report of inaccessible polling places, ADA guidelines.

4. No later than May 15 of every other year, beginning with May 15 next following the enactment of P.L.2005, c.146, each Voting Accessibility Advisory Committee, established pursuant to section 11 of P.L.1991, c.429 (C.19:8-3.7) shall report to the Secretary of State and the county board of elections, on the form provided by the Secretary of State, a list of all polling places in the county, specifying any found inaccessible. The committee shall indicate the reasons for inaccessibility, according to guidelines established in the federal "Americans with Disabilities Act of 1990" (42 U.S.C. s. 12101 et seq.), and shall consult with the county board of elections to determine the efforts made pursuant to P.L.1991, c.429 (C.19:8-3.1 et al.) to locate alternative polling places or the actions needed to make the existing facilities accessible. Each county board of elections shall notify the Secretary of State and the committee of any changes in polling place locations before the next general election, including any changes required due to the alteration of district boundaries.

13. R.S.19:8-4 is amended to read as follows:

Certification of list of polling places.

19:8-4. The county board before May 15 of each year shall certify a list of polling places so selected to the sheriff and to the clerk of the county and to the superintendent of elections of the county if any there be and to each municipal clerk in the county.

14. R.S.19:9-2 is amended to read as follows:

Preparation of information and election supplies.

19:9-2. The Director of the Division of Elections shall prepare and distribute on or before April 1 in each year prior to the primary election for

the general election and the general election such information as may be needed relative to election procedures for the ensuing year.

The county board of elections shall prepare and distribute on or before April 1 in each year, registration and voting instructions printed in at least 14-point type for conspicuous display at each polling place at any election.

All other books, ballots, envelopes and other blank forms which the county clerk is required to furnish under any other section of this Title, stationery and supplies for the primary election for the general election, the primary election for delegates and alternates to national conventions and the general election, shall be furnished, prepared and distributed by the clerks of the various counties; except that all books, blank forms, stationery and supplies, articles and equipment which may be deemed necessary to be furnished, used or issued by the county board or superintendent shall be furnished, used or issued, prepared and distributed by such county board or superintendent, as the case may be.

The county board shall furnish and deliver to the county clerk, the municipal clerks and the district boards in municipalities having more than one election district: a map or description of the district lines of their respective election districts, together with the street and house numbers where possible in such election districts and a list or map of all of the polling places within the county to assist any voter in identifying the correct location of the polling place at which the voter should vote if that voter erroneously reports to the municipal clerk or the wrong polling place.

Nothing in subtitle 2 of the Title, Municipalities and Counties (R.S.40:16-1 et seq.), shall in any way be construed to affect, restrict, or abridge the powers conferred on the county clerks, county boards or superintendents by this Title.

15. R.S.19:12-1 is amended to read as follows:

Certification as to creation of political party.

19:12-1. The Secretary of State shall within thirty days after the completion of the canvass by the board of State canvassers, certify to each county clerk and county board the fact that at the next preceding general election held for the election of all of the members of the General Assembly ten per centum (10%) of the total vote cast in the State for members of the General Assembly had been cast for candidates having the same designation, thereby creating, within the meaning of this Title, a political party, to be known and recognized as such under the same designation as used by the candidates for whom the required number of votes were cast.

The Secretary of State shall also not later than the 67th day preceding the primary election for the general election in every year in which electors of President and Vice-President of the United States, a representative of the United States Senate, members of the House of Representatives, a Governor, a Lieutenant Governor, or Senator, or member or members of the General Assembly for any county, or any of them, are to be elected or any public question is to be submitted to the voters of the entire State, direct and cause to be delivered to the clerk of the county and the county board wherein any such election is to be held, a notice stating that such officer or officers are to be elected and that such public question is to be submitted to the voters of the entire State at the ensuing general election.

16. R.S.19:12-3 is amended to read as follows:

County clerk, forwarding of notice of creation of political party to municipal clerks.

19:12-3. The clerk of each county shall immediately upon the receipt of the certificate from the Secretary of State setting forth that a political party has been created, forward a certified copy of such certificate to each municipal clerk of his county.

He shall also, not later than the 57th day preceding the primary election for the general election in every year, cause a copy of the notice received from the Secretary of State of the officer or officers to be elected at the ensuing general election, certified under his hand to be true and correct, to be delivered to the clerk of each municipality in the county.

17. R.S.19:12-5 is amended to read as follows:

Notice that officers will be chosen at general election.

19:12-5. The clerk of every county shall, not later than the 57th day preceding the primary election for the general election, immediately preceding the expiration of the term of office of all other officers who are voted for by the voters of the entire county or of more than one municipality within the county, direct and cause to be delivered to the clerk of each municipality and the county board in counties of the first class, a notice that such officer or officers, as the case may be, will be chosen at the ensuing general election.

18. R.S.19:12-6 is amended to read as follows:

Statement designating public offices to be filled at election.

19:12-6. All municipal clerks, not later than the 57th day preceding the primary election for the general election, shall make and certify under their hands and seals of office and forward to the clerk of the county in which

the municipality is located a statement designating the public offices to be filled at such election, and the number of persons to be voted for each office. In counties of the first class such statement shall also be forwarded to the county board.

19. R.S.19:12-7 is amended to read as follows:

Publication of notice of elections.

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 next preceding the week in which the primary election for the general election is held, 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 next preceding the week in which the general election is held.

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 and at the places provided for by or pursuant to this Title.

(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 next preceding the week in which the primary election is held, 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 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 and at the places provided for by or pursuant to this Title.

(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 to be filled 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 and municipal 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 next preceding the week in which the general election is held, 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 to determine the proper polling place location for the voter.

(3) For a school election:

(a) The day, time and place 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 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.

20. R.S.19:14-6 is amended to read as follows:

Column designations; accompanying instructions.

19:14-6. In each column, immediately below the six-point rule, shall be printed the proper word or words to designate the column, to be known as the "column designation."

In the columns at the extreme left shall be printed the name of each of the political parties which made nominations at the next preceding primary election every year, directly under which shall appear the words "to vote for any candidate whose name appears in the column below, mark a cross x, plus + or check in the square at the left of the name of such candidate. Do not vote for more candidates than are to be elected to any office." Such columns shall be three inches in width.

The column next to the right of such columns shall be designated "personal choice, "under which shall appear the words" in the blank column below, under the proper title of office, the voter may write or paste the name of any person for whom he desires to vote, whose name is not printed on this ballot, and shall mark a cross x, plus + or check in the square at the left of such name. Do not vote for more candidates than are to be elected to any office." There shall also be the same instructions regarding electors of president and vice-president which now appear at the head of all other columns. This column shall be four inches in width.

The remaining column or columns, as the case may be, shall each be designated "Nomination by Petition," under which shall be printed the words "to vote for any candidate whose name appears in the column below mark a cross x, plus + or check in the square at the left of the name of such

candidate. Do not vote for more candidates than are to be elected to any office." These columns shall be four inches in width.

Below the column designations and accompanying instructions and not more than one and one-half inches below the six-point diagram rule and parallel thereto, shall be printed a six-point diagram rule extending across the entire ballot from one four point rule to the other.

21. R.S.19:14-8 is amended to read as follows:

Arrangement of ballots.

19:14-8. In the columns of each of the political parties which made nominations at the next preceding primary election to the general election and in the personal choice column, within the space between the two-point hair line rules, there shall be printed the title of each office to be filled at such election, except as hereinafter provided.

Such titles of office shall be arranged in the following order: electors of President and Vice-President of the United States; member of the United States Senate; Governor; member of the House of Representatives; member of the State Senate; members of the General Assembly; county executive, in counties that have adopted the county executive plan of the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.); sheriff; county clerk; surrogate; register of deeds and mortgages; county supervisor; members of the board of chosen freeholders; coroners; mayor and members of municipal governing bodies, and any other titles of office. Above each of such titles of office, except the one at the top, shall be printed a two-point diagram rule in place of the two-point hair line rule. Below the titles of such offices shall be printed the names of the candidates for the offices.

The arrangement of the names of candidates for any office for which more than one are to be elected shall be determined in the manner hereinafter provided, as in the case of candidates nominated by petition.

When no nomination for an office has been made the words "No Nomination Made" in type large enough to fill the entire space or spaces below the title of office shall be printed upon the ballot.

Immediately to the left of the name of each candidate, at the extreme left of each column, including the personal choice column, shall be printed a square, one-quarter of an inch in size, formed by two-point diagram rules. In the personal choice column no names of candidates shall be printed.

To the right of the title of each office in the party columns and the personal choice column shall be printed the words "Vote for," inserting in words the number of persons to be elected to such office.

22. R.S.19:14-12 is amended to read as follows:

Procedure for determining position on ballot.

19:14-12. The county clerk shall draw lots in his county to determine which columns the political parties which made nominations at the next preceding primary election shall occupy on the ballot in the county. The name of the party first drawn shall occupy the first column at the left of the ballot, and the name of the party next drawn shall occupy the second column, and so forth.

The position which the names of candidates, and bracketed groups of names of candidates nominated by petitions for all offices, shall have upon the general election ballot, shall be determined by the county clerks in their respective counties.

The manner of drawing the lots shall be as follows: paper slips with the names of each political party written thereon, shall be placed in capsules of the same size, shape, color and substance and then placed in a covered box with an aperture in the top large enough to admit a man's hand and to allow the capsules to be drawn therefrom. The box shall be well shaken and turned over to thoroughly intermingle the capsules. The county clerk or his deputy shall at his office, draw from the box each capsule separately without knowledge on his part as to which capsule he is drawing.

The person making the drawing shall open the capsule and shall make public announcement at the drawing of each name, the order in which name is drawn and the office for which the drawing is made.

Where there is but one person to be elected to an office, the names of the several candidates who have filed petitions for such office shall be written upon paper slips and placed in separate capsules of the same size, shape, color and substance. The capsules shall be placed in a covered box with an aperture in the top large enough to admit a man's hand and to allow the capsules to be drawn therefrom. The box shall be turned and shaken thoroughly to mix the capsules and the capsules shall be withdrawn one at a time.

When there is more than one person to be elected to an office where petitions have designated that certain candidates shall be bracketed, the position of such bracketed names on the ballot (each bracketed group to be treated as a single name), together with individuals who have filed petitions for such office, shall be determined as above described.

Any legal voter of the county or municipality, as the case may be, shall have the privilege of witnessing the drawing.

The name or names of the candidate or bracketed group of candidates first drawn from the box shall be printed directly below the proper title of the office for which they were nominated, and the name or names of the

candidate or bracketed group of candidates next drawn shall be printed next in order, and so on, until the last name or bracketed group of names shall be drawn from the box.

The arrangement of names of any bracketed group of candidates for any office for which more than one are to be elected shall be printed in the same order on the ballot as they were arranged on the petition of nomination.

The drawing for the positions which the names of candidates and bracketed groups of names of candidates, nominated by petition for office, and for the columns which the political parties which made nominations at the next preceding primary election for the general election shall occupy upon the general election ballot, shall be held at 3 o'clock in the afternoon of the eighty-fifth day prior to the day of the general election.

23. R.S.19:23-1 is amended to read as follows:

Notice, State committee to county committee; county committee to municipal clerks.

19:23-1. The chairman of the State committee of a political party shall, on or before March 1 in the year when a Governor is to be elected, notify in writing the chairman of each county committee of such party of the number of male or female members or members with less than one full vote to be elected from the county at the ensuing primary election for the general election, and each such chairman shall, on or before April 1 of such year, send a copy of such notice to the county clerk.

The chairman of each county committee shall also, on or before April 1 in each year, file with the clerks of the several municipalities the number of committeemen to be elected at the ensuing primary for the general election to the county committee.

24. R.S.19:23-24 is amended to read as follows:

Primary election ballots; position.

19:23-24. The position which the candidates and bracketed groups of names of candidates for the primary for the general election shall have upon the ballots used for the primary election for the general election, in the case of candidates for nomination for members of the United States Senate, Governor, members of the House of Representatives, members of the State Senate, members of the General Assembly, choice for President, delegates and alternates-at-large to the national conventions of political parties, district delegates and alternates to conventions of political parties, candidates for party positions, and county offices or party positions which are to be voted for by the voters of the entire county or a portion thereof greater than

a single municipality, including a congressional district which is wholly within a single municipality, shall be determined by the county clerks in their respective counties; and, excepting in counties where R.S.19:49-2 applies, the position on the ballot used for the primary election for the general election in the case of candidates for nomination for office or party position wherein the candidates for office or party position to be filled are to be voted for by the voters of a municipality only, or a subdivision thereof (excepting in the case of members of the House of Representatives) shall be determined by the municipal clerk in such municipalities, in the following manner: The county clerk, or his deputy, or the municipal clerk or his deputy, as the case may be, shall at his office on the 53rd day prior to the primary election for the general election at three o'clock in the afternoon draw from the box, as hereinafter described, each card separately without knowledge on his part as to which card he is drawing. Any legal voter of the county or municipality, as the case may be, shall have the privilege of witnessing such drawing. The person making the drawing shall make public announcement at the drawing of each name, the order in which same is drawn, and the office for which the drawing is made. When there is to be but one person nominated for the office, the names of the several candidates who have filed petitions for such office shall be written upon cards (one name on a card) of the same size, substance and thickness. The cards shall be deposited in a box with an aperture in the cover of sufficient size to admit a man's hand. The box shall be well shaken and turned over to thoroughly mix the cards, and the cards shall then be withdrawn one at a time. The first name drawn shall have first place, the second name drawn, second place, and so on; the order of the withdrawal of the cards from the box determining the order of arrangement in which the names shall appear upon the primary election ballot. Where there is more than one person to be nominated to an office where petitions have designated that certain candidates shall be bracketed, the position of such bracketed names on the ballot (each bracket to be treated as a single name), together with individuals who have filed petitions for nomination for such office, shall be determined as above described. Where there is more than one person to be nominated for an office and there are more candidates who have filed petitions than there are persons to be nominated, the order of the printing of such names upon the primary election ballots shall be determined as above described.

The county clerk in certifying to the municipal clerk the offices to be filled and the names of candidates to be printed upon the ballots used for the primary election for the general election, shall certify them in the order as drawn in accordance with the above described procedure, and the municipal clerk shall

print the names upon the ballots as so certified and in addition shall print the names of such candidates as have filed petitions with him in the order as determined as a result of the drawing as above described. Candidates for the office of the county executive in counties that have adopted the county executive plan of the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), shall precede the candidates for other county offices for which there are candidates on the ballot used for the primary election for the general election.

25. R.S.19:23-40 is amended to read as follows:

Primary elections, dates, time.

19:23-40. The primary election for the general election shall be held for all political parties upon the Tuesday next after the first Monday in June between the hours of 6:00 A.M. and 8:00 P.M., Standard Time. It shall be held for all political parties in the same places as hereinbefore provided for the ensuing general election.

26. R.S.19:23-42 is amended to read as follows:

Method of conducting primary elections.

19:23-42. The primary election for the general election shall be conducted by the district boards substantially in the same manner as the general election, except as herein otherwise provided.

Each district board may allow one member thereof at a time to be absent from the polling place or room for a period not exceeding one hour between the hours of one o'clock and five o'clock in the afternoon or for such shorter time as it shall see fit; but at no time from the opening of the polls to the completion of the canvass shall there be less than a majority of the board present in the polling room or place.

27. R.S.19:23-45 is amended to read as follows:

Requirements for voting in primary elections; affiliation.

19:23-45. No voter shall be allowed to vote at the primary election unless his name appears in the signature copy register.

A voter who votes in a primary election of a political party or who signs and files with the municipal clerk or the county commissioner of registration a declaration that he desires to vote in the primary election of a political party, or who indicates on a voter registration form the voter's choice of political party affiliation and submits the form to the commissioner of registration of the county wherein the voter resides, to the employees or agents of a public agency, as defined in subsection a. of section

15 of P.L.1974, c.30 (C.19:31-6.3), or a voter registration agency, as defined in subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11), or to the Secretary of State, shall be deemed to be a member of that party until the voter signs and files with the municipal clerk or the commissioner of registration a declaration that he desires to vote in the primary election of another political party at which time he shall be deemed to be a member of such other political party. The Secretary of State shall cause to be prepared political party affiliation declaration forms and shall provide such forms to the commissioners of registration of the several counties and to the clerks of the municipalities within such counties.

No voter, except a newly registered voter at the first primary at which he is eligible to vote, or a voter who has not previously voted in a primary election, may vote in a primary election of a political party unless he was deemed to be a member of that party on the 55th day next preceding such primary election.

A member of the county committee of a political party and a public official or public employee holding any office or public employment to which he has been elected or appointed as a member of a political party shall be deemed a member of such political party.

A voter may declare the voter's party affiliation or change the voter's party affiliation, or declare that the voter is unaffiliated with any party regardless of any previously declared party affiliation, by so indicating on a political party declaration form filed with the municipal clerk or the county commissioner of registration. A voter may also indicate that the voter wishes to declare a political party affiliation or that the voter does not want to declare a political party affiliation on a voter registration form filed at the time of initial registration.

Any person voting in the primary ballot box of any political party in any primary election in contravention of the election law shall be guilty of a disorderly persons offense, and any person who aids or assists any such person in such violation by means of public proclamation or order, or by means of any public or private direction or suggestions, or by means of any help or assistance or cooperation, shall likewise be guilty of a disorderly persons offense.

28. Section 2 of P.L.1976, c.16 (C.19:23-45.1) is amended to read as follows:

C.19:23-45.1 Notice of requirements for voting in primary elections, publication.

2. a. The county commissioner of registration in each of the several counties shall cause a notice to be published in each municipality of their

respective counties in a newspaper or newspapers circulating therein. The notice to be so published shall be published once during each of the two calendar weeks next preceding the week in which the 55th day next preceding the primary election of a political party occurs.

b. The notice required to be published by the preceding paragraph shall inform the reader thereof that no voter, except a newly registered voter at the first primary at which he is eligible to vote, or a voter who has not previously voted in a primary election may vote in a primary election of a political party unless he was deemed to be a member of that party on the 55th day next preceding such primary election. It shall further inform the reader thereof that a voter who votes in the primary election of a political party, or who signs and files with the municipal clerk or the county commissioner of registration a declaration that he desires to vote in the primary election of a political party, or who indicates on a voter registration form the voter's choice of political party affiliation and submits the form to the commissioner of registration of the county wherein the voter resides, to the employees or agents of a public agency, as defined in subsection a. of section 15 of P.L.1974, c.30 (C.19:31-6.3), or a voter registration agency, as defined in subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11) or to the Secretary of State, shall be deemed to be a member of that party until the voter signs and files with the municipal clerk or the commissioner of registration a declaration that he desires to vote in the primary election of another political party, at which time he shall be deemed to be a member of such other political party, or that the voter chooses not to be affiliated with any political party. The notice shall also state the time and location where a person may obtain political party affiliation declaration forms or voter registration forms.

29. R.S.19:23-46 is amended to read as follows:

Determination of right to vote.

19:23-46. Each voter offering to vote shall announce his name and the party primary in which he wishes to vote. The district board shall thereupon ascertain by reference to the signature copy register or the primary election registry book required by this title and, in municipalities not having permanent registration, if necessary by reference to the primary party poll books of the preceding primary election for the general election, that such voter is registered as required by this title and also that he is not ineligible or otherwise disqualified by the provisions of section 19:23-45 of this title; in which event he shall be allowed to vote.

30. R.S.19:23-49 is amended to read as follows:

Counting of votes.

19:23-49. At the close of the primary election for the general election each district board shall immediately proceed to count the votes cast at the election and ascertain the results thereof for the candidates of each political party holding such elections, proceeding in the manner indicated by the statement hereinafter provided for, and as nearly as may be in the manner herein required for the counting by the district board of votes cast at the general election.

31. R.S.19:23-58 is amended to read as follows:

Provisions of title applicable.

19:23-58. Any provisions of this title which pertain particularly to any election or to the general election shall apply to the primary election for the general election insofar as they are not inconsistent with the special provisions of this title pertaining to the primary election for the general election.

32. R.S.19:24-1 is amended to read as follows:

Notification relative to number of delegates, alternates to be elected.

19:24-1. In every year in which primary elections are to be held as herein provided for the election of delegates and alternates to the national conventions of political parties, including any national mid-term convention or conference of a political party, the chairman of the State committee of each political party shall notify the Secretary of State, on or before March 1 of that year, of the number of delegates-at-large and the number of alternates-at-large to be elected to the next national convention of such party by the voters of the party throughout the State, and also of the number of delegates and alternates to be chosen to such convention in the respective congressional districts or other territorial subdivisions of the State as mentioned in such notification.

If the State chairmen, or either of them, shall fail to file notice, the Secretary of State shall ascertain such facts from the call for its national convention issued by the National or State committee.

33. R.S.19:24-2 is amended to read as follows:

Certification as to number of delegates, alternates to be elected.

19:24-2. The Secretary of State shall, on or before March 20 of that year, certify to the county clerk and county board of each county the number of delegates and alternates-at-large to be chosen by each such party and the number of delegates and alternates to be chosen in each congressional

district or other territorial subdivision of the State, composed in whole or in part of the county of such county clerk.

Any provisions of this Title which pertain particularly to any election or to the general election or to the primary election for the general election shall apply to the primary election for delegates and alternates to national conventions insofar as they are not inconsistent with the special provisions of this Title pertaining to the primary election for delegates and alternates to national conventions.

Notwithstanding any provision of this Title, national and State party rules shall govern the selection of delegates and alternates to national party conventions, provided the State chairman of the political party notifies the Secretary of State prior to March 1 of the year in which delegates and alternates are elected of the applicable party rules governing the delegate selection process. The Secretary of State shall notify the county clerks prior to April 1 of the year in which delegates and alternates are elected of the applicable party rules, if any, which apply to matters within their jurisdiction. Pursuant to this section, the Secretary of State shall issue to the county clerks uniform regulations governing the delegate selection process.

34. R.S.19:24-4 is amended to read as follows:

National convention delegates.

19:24-4. Not less than 100 members of each such political party may file with the Secretary of State at least 64 days prior to the primary election for the general election in any year of a national convention a petition requesting that the name of a person therein indorsed shall be printed on the primary ticket of such political party as candidate for the position of delegate-at-large or alternate-at-large, to be chosen by the party voters throughout the State to the national convention of that party, or as a delegate or alternate to be chosen to that convention by the voters of any congressional district.

The signers to the petition for any delegate-at-large or alternate-at-large shall be legal voters resident in the State; and the signers for any delegate or alternate from any Congressional district shall be voters of such district.

The Secretary of State shall not later than the 54th day preceding the primary election for the general election certify to each county clerk and county board such nominations for delegates and alternates-at-large and the nominations for delegate or alternate for any Congressional district.

35. Section 1 of P.L.1952, c.2 (C.19:25-3) is amended to read as follows:

C.19:25-3 Presidential candidates.

1. Not less than 1,000 voters of any political party may file a petition with the Secretary of State on or before the 64th day before a primary election in any year in which a President of the United States is to be chosen, requesting that the name of the person indorsed therein as a candidate of such party for the office of President of the United States shall be printed upon the official primary ballot of that party for the then ensuing election for delegates and alternates to the national convention of such party.

The petition shall be prepared and filed in the form and manner herein required for the indorsement of candidates to be voted for at the primary election for the general election, except that the candidate shall not be permitted to have a designation or slogan following his name, and that it shall not be necessary to have the consent of such candidate for President indorsed on the petition.

36. Section 2 of P.L.1952, c.2 (C.19:25-4) is amended to read as follows:

C.19:25-4 Certification of names indorsed.

2. The Secretary of State shall certify the names so indorsed to the county clerk of each county not later than the 54th day before such primary election, but if any person so indorsed shall on or before such date decline in writing, filed in the office of the Secretary of State, to have his name printed upon the primary election ballot as a candidate for President, the Secretary of State shall not so certify such name.

37. R.S.19:26-1 is amended to read as follows:

Return of election documents, equipment.

19:26-1. At the close of all primary elections held according to the provisions of this title, and after counting the ballots cast at such primary and making the statements thereof as herein provided, each district board shall place all ballots voted at the election and all spoiled and unused ballots inside the ballot boxes used at such election, and after locking and sealing the same, shall forthwith deliver the ballot boxes to the municipal clerk and the keys thereof to the county clerk. The signature copy register binders and the current primary party poll books used at the primary election shall be returned by the district boards to the commissioner, not later than noon of the day following the primary election for the general election.

The commissioner shall return the primary party poll books used at the primary election to the municipal clerks not later than one month preceding the next primary election.

The county clerks, in counties other than counties of the first class, shall, during the ten days next preceding the third registry day deliver, at their offices or in any other way they may see fit, the register of voters to the respective district boards.

The county clerks in counties of the first class shall deliver the register of voters to the municipal clerks, who shall deliver such register to the district boards at the same time and with the official general election sample ballots.

38. R.S.19:27-11 is amended to read as follows:

Filling vacancies in county, municipal offices.

19:27-11. In the event of any vacancy in any county or municipal office, except for the office of a member of the board of chosen freeholders, which vacancy shall occur after the 70th day preceding the primary election for the general election and on or before the 70th day preceding the general election, each political party may select a candidate for the office in question in the manner prescribed in R.S.19:13-20 for selecting candidates to fill vacancies among candidates nominated at primary elections for the general elections. A statement of such selection shall be filed with the county clerk not later than the close of business of the 55th day preceding the date of the general election.

Besides the selection of candidates by each political party as before provided, candidates may also be nominated by petition in a similar manner as herein provided for direct nomination by petition for the general election but the petition shall be filed with the county clerk at least 64 days prior to such general election.

When the vacancy occurs in a county office the county clerk shall forthwith give notice thereof to the chairman of the county committee of each political party and in counties of the first class to the county board, and in case the vacancy occurs in a municipal office the municipal clerk shall forthwith give notice thereof to the county clerk, the chairman of the county committee of each political party and in counties of the first class the county board.

The county clerk shall print on the ballots for the territory affected, in the personal choice column, the title of office and leave a proper space under such title of office; and print the title of office and the names of such persons as have been duly nominated, in their proper columns.

39. R.S.19:29-3 is amended to read as follows:

Filing of certain petitions.

19:29-3. The petition contesting any nomination to public office, election to party office or position or the proposal of any proposition shall be filed not later than 10 days after the primary election.

The petition contesting any election to public office or approval or disapproval of any proposition shall be filed not later than 30 days after such election, unless the ground of action is discovered from the statements, deposit slips or vouchers filed under this Title, subsequent to such primary or other election, in which event such petition may be filed 10 or 30 days respectively after such statements, deposit slips or vouchers are filed.

Any petition of contest may be filed within 10 days after the result of any recount has been determined or announced.

40. R.S.19:31-16 is amended to read as follows:

Data on eligible voters' deaths filed by health officer.

19:31-16. a. The health officer or other officer in charge of records of death in each municipality shall file with the commissioner of registration for the county in which the municipality is located once each month, during the first five days thereof, the age, date of death, and the names and addresses of all persons 18 years of age or older who have died within such municipality during the previous month. Within 30 days after the receipt of such list, the commissioner shall make and complete such investigation as is necessary to establish to his satisfaction that such deceased person is registered as a voter in the county. If such fact is so established, the commissioner shall cause the registration and record of voting forms of the deceased registrant to be transferred to the death file as soon as possible. If the deceased person was not so registered in the county, but the person maintained a residence in another county of this State, the officer in charge of records of death in the municipality in which the decedent died shall forward a copy of the notice of death to the officer in charge of records of death in the municipality in which the decedent resided. That officer having received the notice shall notify the commissioner of the county in which that municipality is located of the death of the person. Any commissioner who receives such notification shall undertake the procedures prescribed herein with respect to the registration in that county of the decedent.

b. The State registrar of vital statistics shall file with the commissioner of registration of each county no later than May 1 of each year an alphabet-

ized list of the name, address, and date of birth, if available, of each resident of the county 18 years of age or older who died during the previous year. Within 30 days after the receipt of the list the commissioner shall undertake and complete such investigation as is necessary to establish that each person on the list is not registered as a voter in the county. The commissioner shall cause the registration and record of voting forms of any deceased registrant found on the list to be transferred to the death file as soon as possible.

41. R.S.19:31-20 is amended to read as follows:

Delivery of signature copy registers.

19:31-20. On or before the eighth day preceding the primary election for the general election and the general election, respectively, the commissioner in counties not having a superintendent of elections, shall deliver to the municipal clerk in each municipality the signature copy registers for each election district in such municipality and shall take a receipt for same. The municipal clerk shall thereupon deliver at his office, or in any other way he sees fit, such registers to a member or members of the proper district boards at the same time and together with the primary for the general election sample ballots or the general election sample ballots, as the case may be. The registers shall be used by the district boards on election days and for the purpose of mailing the sample ballots. The commissioner in counties having a superintendent of elections shall deliver such registers at his office, or in any other way he may see fit, to the various district boards, taking a receipt for same.

Before delivering the registers the commissioner shall cause to be printed upon a separate sheet or sheets of paper, to be inserted inside of the front cover of such registers in conspicuous type, such instructions to election officers regarding the use and disposition of the binders and forms as he deems necessary.

42. R.S.19:31-21 is amended to read as follows:

Use of signature copy registers on election day.

19:31-21. A person whose name appears in the signature copy register and who upon applying for a ballot or voting authority shall have given the information and signed the signature comparison record as provided in this Title and whose signature in the signature comparison record shall have been compared by a member of the district board and in the presence and view of the challengers with the signature of the applicant as recorded in the register shall be eligible to receive a ballot or voting authority unless it be shown to the satisfaction of a majority of the members of the district board that he is not entitled to vote in the district or has otherwise become disqualified.

No person shall be required to sign the signature comparison record as a means of identification if he shall have been unable to write his name when he registered, or if, having been able to write his name when registered, he subsequently shall have lost his sight or lost the hand with which he was accustomed to write or shall by reason of disease or accident be unable to write his name when he applies to vote, but each such person shall establish his identity in the manner provided in this Title.

In addition to signing the signature comparison record and after the comparison of the signature with the signature in the register, a person offering to vote at the primary election for the general election, as the case may be, shall announce his name and the party primary in which he wishes to vote.

After a person has voted the member of the district board having charge of the signature copy registers shall place the number of the person's ballot in the proper column on the record of voting form of such person, which number shall constitute a record that the person has voted. In the case of the primary election for the general election such member of the district board shall also place in the proper column on the record of voting form the first three letters of the name of the political party whose primary ballot such person has voted.

In the event that the duplicate permanent registration form of any person cannot be found in the signature copy register at the time he applies for a ballot or voting authority, a member of the district board shall promptly ascertain from the commissioner or a duly authorized clerk if such person is permanently registered. Upon information that such is the fact, such member of the district board shall require the person applying for a ballot or voting authority to obtain an order from the commissioner authorizing him to receive a ballot or voting authority. The commissioner shall specially authorize and deputize clerks to issue such orders in municipalities within his county. The commissioner or his clerk shall require the voter to sign his name upon such order for the purpose of signature comparison. The district board shall require the voter to again sign his name on said order, in the presence of the board, and if the signatures compare, to permit him to vote. At primary elections the commissioner or his duly authorized clerk shall endorse on the order the political party whose ballot such person voted at the last preceding primary election. The order shall be returned to the commissioner at the same time and along with the signature copy registers.

43. R.S.19:31-22 is amended to read as follows:

Return of signature copy registers, inspection by commissioner.

19:31-22. Not later than noon of the day following the canvass of the votes cast at the primary election for the general election or the general election, the signature copy registers shall be returned by each district board to the commissioner at his office or in any other way as the commissioner may see fit.

Upon receipt of the registers the commissioner shall inspect them and verify from the party primary poll books and the general election poll books, as the case may be, that the entries required to be made on the record of voting forms in such registers by the district boards have been made. If the commissioner shall ascertain that such entries have not been made or have been improperly made, he shall cause such entries and corrections to be made forthwith and also notify the county board of such failure of duty and the members of such district board who have so failed in their duty and shall be ineligible for appointment as members of any district board thereafter.

44. Section 9 of P.L.1991, c.249 (C.19:32-4.1) is amended to read as follows:

C.19:32-4.1 Complaint forms provided to voters at elections.

9. On the day of every municipal, primary, general, special or annual school election the superintendent of elections in counties having a superintendent of elections or the county board of elections in all other counties shall provide to each polling place in the county sufficient numbers of a form on which voters or persons attempting to vote may register any complaint regarding the conduct of the election at the polling place where they voted or attempted to vote. In counties in which the primary language of 10% or more of the registered voters is Spanish, the form for the complaint shall appear in both English and Spanish. The form shall protect the anonymity of the complainant, if that person so wishes, and shall be accompanied by an envelope with the proper postage and the name and address of the superintendent of elections of the county or the chairman of the county board of elections, as the case may be. A complaint may be used by the superintendent of elections or any other municipal or State investigatory agency to conduct an investigation into possible violation of the State election law. Copies of the form containing the complaint shall be available from the superintendent of elections or the county board of elections, as the case may be. The original form of the complaint, or a copy, shall be kept on file with the superintendent of elections or the county board of elections, as the case may be, for two years after the election for which it was filed.

45. R.S.19:45-6 is amended to read as follows:

Members of district boards; compensation.

19:45-6. The compensation of each member of the district boards for all services performed by them under the provisions of this Title shall be as follows:

In all counties, for all services rendered including the counting of the votes, and in counties wherein voting machines are used, the tabulation of the votes registered on the voting machines, and the delivery of the returns, registry binders, ballot boxes and keys for the voting machines to the proper election officials, \$200 each time the primary election, the general election or any special election is held under this Title; provided, however, that:

a. (1) The member of the board charged with the duty of obtaining and signing for the signature copy registers shall receive an additional \$12.50 per election, such remuneration being limited to only one board member per election, or \$6.25 to each of two board members if they share such responsibility for the signature copy registers, and (2) the member of the board charged with the duty of returning the signature copy registers shall receive an additional \$12.50 per election, such remuneration being limited to only one board member per election, or \$6.25 to each of two board members if they share such responsibility for the signature copy registers;

b. In the case of any member of the board who is required under R.S.19:50-1 to attend in a given year a training program for district board members, but who fails to attend such a training program in that year, that compensation shall be \$50.00 for each of those elections;

c. In counties wherein voting machines are used no compensation shall be paid for any services rendered at any special election held at the same time as any primary or general election. Such compensation shall be in lieu of all other fees and payments; and

d. Compensation for district board members serving at a school election shall be paid by the board of education of the school district conducting the election at an hourly rate of \$5.77, except that the board of education may compensate such district board members at a pro-rated hourly rate consistent with the daily rate up to a maximum of \$14.29. The provisions of subsections a., b., and c. of this section shall also apply to district board members serving at a school election, except that in the case of subsection b., the compensation shall be at an hourly rate of \$3.85.

Compensation due each member shall be paid within 30 days but not within 20 days after each election; provided, however, that no compensation shall be paid to any member of any such district board who may have

been removed from office or application for the removal of whom is pending under the provisions of R.S.19:6-4.

46. Section 1 of P.L.1944, c.213 (C.19:52-2.1) is amended to read as follows:

C.19:52-2.1 Voting authorities; use, stringing.

1. In all counties wherein voting machines are used the county board of elections shall furnish for use in each election district at any election, a sufficient number of voting authorities in substantially the following form:

City of
Ward Election Held District
_____ day of _____ 20____
Voting Authority
No. _____

City of
Ward Election Held District
_____ day of _____ 20____
Voting Authority
No. _____

This certificate must be handed to the election officer in charge of the voting machines in order to vote.

Signature of Voter

County Board of Elections Clerk.

The voting authorities shall be numbered consecutively, be bound together in pads and shall be printed in two parts and perforated so that one part may be given to the voter who shall return the same to the district election officials in charge of the operation of the voting machine in order that such official shall be able to place the same in consecutive order on a string or wire. The other part of the voting authority shall be signed by the voter in his own handwriting before he be permitted to vote and shall remain bound in the pad. All pads containing the portions of the voting authorities on which the names of the persons who have voted have been signed, together with that portion of the voting authority which has been placed on a wire or string shall be returned to the commissioner of registration of the county, who shall keep them for a period of at least six months.

At any primary election for the general election, each voting authority shall be marked to indicate the party primary in which the voter signing the same voted and the used voting authorities shall be strung in such a manner so that those used in one party primary shall remain separate from those used in the other party primary.

47. Section 7 of P.L.1999, c.232 (C.19:53C-1) is amended to read as follows:

C.19:53C-1 Preparation of provisional ballots; written notices.

7. a. (1) The county clerk or the municipal clerk, in the case of a municipal election, shall arrange for the preparation of a provisional ballot packet for each election district. It shall include the appropriate number of provisional ballots, the appropriate number of envelopes with an affirmation statement, the appropriate number of written notices to be distributed to voters who vote by provisional ballot and one provisional ballot inventory form affixed to the provisional ballot bag. The clerk shall arrange for the preparation of and placement in each provisional ballot bag of a provisional ballot packet and an envelope containing a numbered seal. The envelope shall contain, on its face, the instructions for the use of the seal, the number and the election district location of the provisional ballot bag, and the identification numbers of the seal placed in the envelope. Each provisional ballot bag shall be sealed with a numbered security seal before being forwarded to the appropriate election district.

(2) Each provisional ballot bag and the inventory of the contents of each such bag shall be delivered to the designated polling place no later than the opening of the polls on the day of an election.

b. The county clerk or the municipal clerk, in the case of a municipal election, shall arrange for the preparation of the envelope, affirmation statement, and written notice that is to accompany each provisional ballot. The envelope shall be of sufficient size to accommodate the provisional ballot, and the affirmation statement shall be affixed thereto in a manner that enables it to be detached once completed and verified by the county commissioner of registration. The statement shall require the voter to provide the voter's name, and to indicate whether the voter is registered to vote in a county but has moved within that county since registering to vote; or is registered to vote in the election district in which that polling place is located but the voter's registration information is missing or otherwise deficient; or indicate the voter has applied for a mail-in ballot and not received either the ballot or an explanation for not receiving such a ballot pursuant to

notification by the county clerk or from the free-access system, or has applied for and received a mail-in ballot and has not transmitted it to the county board of elections or given it to a bearer for delivery to the county board before the time for the opening of the polls on the day of an election but wants, nevertheless, to vote in the election. The statement shall further require the voter to provide the voter's most recent prior voter registration address and address on the day of the election and date of birth. The statement shall include the statement: "I swear or affirm, that the foregoing statements made by me are true and correct and that I understand that any fraudulent voting may subject me to a fine of up to \$15,000, imprisonment up to five years or both, pursuant to R.S.19:34-11." It shall be followed immediately by spaces for the voter's signature and printed name, and in the case of a name change, the voter's printed old and new name and a signature for each name, the date the statement was completed, political party affiliation, if used in a primary election, and the name of the person providing assistance to the voter, if applicable. Each statement shall also note the number of the election district, or ward, and name of the municipality at which the statement will be used. The Secretary of State shall prepare for inclusion in the affirmation statement language for the voter to submit the information required in the registration form described in section 16 of P.L.1974, c.30 (C.19:31-6.4) in order to enable the county commissioner of registration to process the statement as a voter registration application, which shall be valid for future elections if the individual who submitted the provisional ballot is determined not to be a registered voter. The Secretary of State shall also prepare and shall provide language for any written instructions necessary to assure proper completion of the statement.

The written notice shall contain information to be distributed to each voter who votes by provisional ballot. The notice shall state that, if the voter is a mail-in registrant voting for the first time in his or her current county of residence following registration and was given a provisional ballot because he or she did not provide required personal identification information, the voter shall be given until the close of business on the second day after the election to provide identification to the applicable county commissioner of registration, and the notice shall contain a telephone number at which the commissioner may be contacted. The notice shall further state that failure to provide the required personal identification information within that time period shall result in the rejection of the ballot. The notice shall state that pursuant to section 4 of P.L.2004, c.88 (C.19:61-4), any individual who casts a provisional ballot will be able to ascertain under a system established by the State whether the ballot was accepted for counting,

and if the vote was not counted, the reason for the rejection of the ballot. The notice shall include instructions on how to access such information.

c. For the primary for the general election, the provisional ballots shall be printed in ink on paper of a color that matches the color of the voting authority, which shall indicate the party primary of the voter. The provisional ballots shall be uniform in size, quality and type and of a thickness that the printing thereon cannot be distinguished from the back of the paper, and without any mark, device or figure on the front or back other than as provided in P.L.1999, c.232 (C.19:53C-1 et seq.). Each such ballot shall include near the top thereof and in large type the designation PROVISIONAL BALLOT. In all other respects, the provisional ballots shall conform generally to the other ballots to be used in the election district for the primary election.

The clerk of the county or municipality shall arrange for the preparation of each provisional ballot package with an appropriate number of provisional ballots for each political party, a corresponding number of envelopes with affirmation statements, and a corresponding number of written notices. Additional provisional ballots, envelopes, and notices shall be available for delivery to that election district on the day of the election, if necessary.

d. For the general election the provisional ballots shall be printed in ink. The provisional ballots shall be uniform in size, quality and type and of a thickness that the printing thereon cannot be distinguished from the back of the paper, and without any mark, device or figure on the front or back other than as provided in this act. Each such ballot shall include near the top thereof and in large type the designation PROVISIONAL BALLOT. In all other respects, the provisional ballots shall conform generally to the other ballots to be used in the election district for the general election.

The clerk of the county or municipality shall arrange for the preparation of each provisional ballot package with an appropriate number of provisional ballots, a corresponding number of envelopes with affirmation statements, and a corresponding number of written notices. Additional provisional ballots, envelopes, and notices shall be available for delivery to that election district on the day of the election, if necessary.

e. For a school election the provisional ballots shall be printed in ink. The provisional ballots shall be uniform in size, quality and type and of a thickness that the printing thereon cannot be distinguished from the back of the paper, and without any mark, device or figure on the front or back other than as provided in this act. Each such ballot shall include near the top thereof and in large type the designation PROVISIONAL BALLOT. In all other respects, the provisional ballots shall conform generally to the other ballots to be used in the election district for the school election.

The clerk of the county shall arrange for the preparation of each provisional ballot package with an appropriate number of provisional ballots, a corresponding number of envelopes with affirmation statements, and a corresponding number of written notices. Additional provisional ballots, envelopes, and notices shall be available for delivery to that election district on the day of the election, if necessary.

f. Following the effective date of P.L.2004, c.88 (C.19:61-1 et al.), a provisional ballot that requires the voter to punch out a hole in the ballot as a means of recording the voter's vote shall not be used in any election in this State.

g. (Deleted by amendment, P.L.2011, c.134).

48. Section 2 of P.L.1995, c.278 (C.19:60-2) is amended to read as follows:

C.19:60-2 Special elections; days, certain, changes; notice.

2. a. Except as otherwise provided pursuant to subsection c. of this section, the board of education of a type II district may call a special election of the legal voters of the district on only the fourth Tuesday in January, the second Tuesday in March, the last Tuesday in September, or the second Tuesday in December when in its judgment the interests of the schools require such an election. The board of education shall give the municipal clerk or clerks, as the case may be, and the county board of elections no less than 60 days' notice, in writing, of its intention to hold a special election.

b. No business shall be transacted at any special election except such as shall have been set forth in the notices by which the election was called.

c. The Commissioner of Education may change in any school year any date authorized for a special school election pursuant to subsection a. of this section if that date coincides with a period of religious observance that limits significantly the usual activities of the followers of a particular religion or that would result in significant religious consequences for such followers. The commissioner shall inform local school boards, county clerks, and boards of election of the adjustment no later than the first working day in January of the year in which the adjustments are to occur.

As used in this section "a period of religious observance" means any day or portion thereof on which a religious observance imposes a substantial burden on an individual's ability to vote.

49. Section 2 of P.L.2009, c.79 (C.19:63-2) is amended to read as follows:

C.19:63-2 Definitions relative to voting by mail.

2. As used in this act, unless otherwise indicated by the context:

"Election," "general election," "primary election for the general election," "municipal election," "school election," and "special election" mean, respectively, such elections as defined in R.S.19:1-1 et seq.

"Family member" means an adult who is a spouse, parent, child, grandparent, grandchild or sibling of a voter, whether by adoption or natural relationship. It shall also include any adult occupant regularly living with a voter in any residential building or part of a building intended for the use of no more than one family.

"Mail-in ballot" means any ballot used by a mail-in voter to vote by mail in any election.

"Mail-in voter" means any qualified and registered voter of this State who wants to vote in any election using a mail-in ballot under the provisions of this act.

50. Section 6 of P.L.2009, c.79 (C.19:63-6) is amended to read as follows:

C.19:63-6 Publication of notice.

6. a. The county clerk, in the case of any Statewide election, county-wide election, or school election in a regional or other school district comprising more than one municipality; the municipal clerk, in the case of any municipal election or school election in a school district comprising a single municipality; and the commissioners or other governing or administrative body of the district, in the case of any election to be held in any fire district or other special district, other than a municipality, created for specified public purposes within one or more municipalities, shall publish the following notice in substantially the following form:

NOTICE TO PERSONS WANTING MAIL-IN BALLOTS

If you are a qualified and registered voter of the State who wants to vote by mail in the (school, municipal, primary, general, or other) election to be held on (date of election) complete the application form below and send to the undersigned, or write or apply in person to the undersigned at once requesting that a mail-in ballot be forwarded to you. The request must state your home address and the address to which the ballot should be sent. The request must be dated and signed with your signature.

If any person has assisted you to complete the mail-in ballot application, the name, address and signature of the assistor must be provided on the application, and you must sign and date the application for it to be valid and proc-

essed. No person shall serve as an authorized messenger for more than 10 qualified voters in an election. No person who is a candidate in the election for which the voter requests a mail-in ballot may provide any assistance in the completion of the ballot or may serve as an authorized messenger or bearer.

No mail-in ballot will be provided to any applicant who submits a request therefor by mail unless the request is received at least seven days before the election and contains the requested information. A voter may, however, request an application in person from the county clerk up to 3 p.m. of the day before the election.

Voters who want to vote only by mail in all future general elections in which they are eligible to vote, and who state that on their application shall, after their initial request and without further action on their part, be provided a mail-in ballot by the county clerk until the voter requests that the voter no longer be sent such a ballot. A voter's failure to vote in the fourth general election following the general election at which the voter last voted may result in the suspension of that voter's ability to receive a mail-in ballot for all future general elections unless a new application is completed and filed with the county clerk.

Voters also have the option of indicating on their mail-in ballot applications that they would prefer to receive mail-in ballots for each election that takes place during the remainder of this calendar year. Voters who exercise this option will be furnished with mail-in ballots for each election that takes place during the remainder of this calendar year, without further action on their part.

Application forms may be obtained by applying to the undersigned either in writing or by telephone, or the application form provided below may be completed and forwarded to the undersigned.

Dated.....

.....

(signature and title of county clerk)

.....

(address of county clerk)

.....

(telephone no. of county clerk)

b. (1) The Secretary of State shall be responsible for providing all information regarding overseas ballots to each overseas voter eligible for such a ballot pursuant to P.L.1976, c.23 (C.19:59-1 et seq.). The secretary shall also make available valid overseas voter registration and ballot applications to any voter who is a member of the armed forces of the United States and who is a permanent resident of this State, or who is an overseas voter who wishes to register to vote or to vote in any jurisdiction in this State. The sec-

retary shall provide such public notice as may be deemed necessary to inform members of the armed forces of the United States and overseas voters how to obtain valid overseas voter registration and ballot applications.

(2) The Secretary of State shall undertake a program to inform voters in this State about their eligibility to vote by mail pursuant to this act. Dissemination of this information shall be included in the standard notices required by this section and other provisions of current law, including but not limited to the notice requirements of R.S.19:12-7, and shall be effectuated by such means as the secretary deems appropriate and to the extent that funds for such dissemination are appropriated including, but not limited to, by means of Statewide or local electronic media, public service announcements broadcast by such media, notices on the Internet site of the Department of State or any other department or agency of the Executive Branch of State government or its political subdivisions deemed appropriate by the secretary, and special mailings or notices in newspapers or other publications circulating in the counties or municipalities of this State.

c. The mail-in ballot materials shall contain a notice that any person voting by mail-in ballot who has registered by mail after January 1, 2003, who did not provide personal identification information when registering and is voting for the first time in his or her current county of residence following registration shall include copies of the required identification information with the mail-in ballot, and that failure to include such information shall result in the rejection of the ballot.

d. The notice provided for in subsection a. of this section shall be published before the 55th day immediately preceding the holding of any election.

Notices relating to any Statewide or countywide election shall be published in at least two newspapers published in each county. All officials charged with the duty of publishing such notices shall publish the same in at least one newspaper published in each municipality or district in which the election is to be held, or if no newspaper is published in the municipality or district, then in a newspaper published in the county and circulating in the municipality or district. All such notices shall be display advertisements.

51. Section 7 of P.L.2009, c.79 (C.19:63-7) is amended to read as follows:

C.19:63-7 Printing of mail-in ballots.

7. a. Each county clerk shall have printed sufficient mail-in ballots for each primary election for the general election, and for the general election. Along with such ballots the clerk shall also furnish inner and outer enve-

lopes and printed directions for the preparation and transmitting of such ballots used in the election in the county.

b. The mail-in ballots shall be printed on paper of a different color from that used for any primary or general election ballot, but in all other respects, shall be as nearly as possible facsimiles of the election ballot to be voted at the election.

52. Section 11 of P.L.2009, c.79 (C.19:63-11) is amended to read as follows:

C.19:63-11 Ballots marked "Official Mail-In Ballot."

11. a. Each mail-in ballot to be used at any election shall conform generally to the ballot to be used at the election in the voter's district but the ballots shall be clearly marked "Official Mail-In Ballot."

At the top of every mail-in ballot there shall be printed or stamped in a prominent size the following:

To protect your vote:

IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU THE VOTER TO MARK OR INSPECT THIS BALLOT.

However, a family member may assist you in doing so.

b. Each mail-in ballot to be used pursuant to this act shall be printed entirely in black ink. In addition to conforming generally to the ballot used in the election, the mail-in ballot shall be so prepared that the voter may indicate on it the voter's choice of the candidates for the offices to be filled, and the public questions to be voted on at the election by the voters of the entire State, county or municipality in which the voter is a resident, as known on the 48th day preceding the election. Sufficient space shall be provided on the ballot for the voter to write in the name of and vote for any candidate for, or the voter's personal choice for, any public office to be voted for at the election in the voter's election district. A list of the candidates for the offices to be filled in each election district in the county, whose names are known on the day on which the ballot is forwarded but do not appear on the ballot, with a statement of the office for which each is a candidate, shall be forwarded with such ballot.

When mail-in ballots are prepared, the name of any candidate who has been nominated for any office shall be placed on the ballot to be used in the general election to be held in the year in each election district in which he is a candidate, whether or not such candidate has accepted nomination prior to when the ballot was prepared, provided that the candidate has not declined the nomination before the ballot was prepared.

....., DO HEREBY CERTIFY,
 or R.D. number) (municipality)

Subject to the penalties for fraudulent voting, that I am the person who applied for the enclosed ballot. I MARKED AND SEALED THIS BALLOT AND CERTIFICATE IN SECRET. However, a family member may assist me in doing so.

.....
 (signature of voter)

Any person providing assistance shall complete the following:

I do hereby certify that I am the person who provided assistance to this voter and declare that I will maintain the secrecy of this ballot.

.....
 (signature of person providing assistance)

.....
 (printed name of person providing assistance)

.....
 (address of person providing assistance)

b. On the margin of the flap on the inner envelope forwarded with any mail-in ballot intended to be voted in any primary election for the general election, as the case may be, there shall be printed a certificate in the following form:

CERTIFICATE OF MAIL-IN VOTER

I, ..., whose home address is
 (print your name clearly) (street address)

....., DO HEREBY CERTIFY,
 or R.D. number) (municipality)

subject to the penalties for fraudulent voting, that I am the person who applied for the enclosed ballot for the primary election. I MARKED AND SEALED THIS BALLOT AND CERTIFICATE IN SECRET. However, a family member may assist me in doing so.

.....
 (signature of voter)

Any person providing assistance shall complete the following:

I do hereby certify that I am the person who provided assistance to this voter and declare that I will maintain the secrecy of this ballot.

.....
 (signature of person providing assistance)

.....
(printed name of person providing assistance)
.....

.....
(address of person providing assistance)

54. Section 16 of P.L.2009, c.79 (C.19:63-16) is amended to read as follows:

C.19:63-16 Marking of mail-in ballot by voter; delivery to board of elections.

16. a. A mail-in voter shall be entitled to mark any mail-in ballot forwarded to the voter for voting at any election by indicating the voter's choice of candidates for the offices named, and as to public questions, if any, stated thereon, in accordance with current law. In the case of ballots to be voted for any primary election for the general election, as the case may be, the voter's choice shall be limited to the candidates of the voter's political party or to any person or persons whose names are written thereon by the voter. When so marked, such ballot shall be placed in the inner envelope, which shall then be sealed, and the voter shall then fill in the form of certificate attached to the inner envelope, at the end of which the voter shall sign and print the voter's name. The inner envelope with the certificate shall then be placed in the outer envelope, which shall then be sealed.

b. No mail-in voter shall permit any person in any way, except as provided by this act, to unseal, mark or inspect the voter's ballot, interfere with the secrecy of the voter's vote, complete or sign the certificate, or seal the inner or outer envelope, nor shall any person do so.

c. A mail-in voter shall be entitled to assistance from a family member in performing any of the actions provided for in this section. The family member or other person providing such assistance shall certify that he or she assisted the voter and will maintain the secrecy of the vote by both printing and signing his or her name in the space provided on the certificate. In no event may a candidate for election provide such assistance, nor may any person, at the time of providing such assistance, campaign or electioneer on behalf of any candidate.

d. (1) The sealed outer envelope with the inner envelope and the ballot enclosed therein shall then either be mailed to the county board of elections to which it is addressed or delivered personally by the voter or a bearer designated by the voter to the board. To be counted, the ballot must be received by the board or its designee before the time designated by R.S.19:15-2 or R.S.19:23-40 for the closing of the polls, as may be appropriate, on the day of an election.

(2) Whenever a person delivers a ballot to the county board, that person shall sign a record maintained by the county of all mail-in ballots personally delivered to it.

(3) No person shall serve as an authorized messenger for more than 10 qualified voters in an election. No person who is a candidate in the election for which the voter requests a mail-in ballot shall be permitted to serve as an authorized messenger or bearer. The bearer, by signing the certification provided for in section 12 of P.L.2009, c.79 (C.19:63-12), certifies that he or she received a mail-in ballot directly from the voter, and no other person, and is authorized to deliver the ballot to the appropriate board of election or designee on behalf of the voter.

55. Section 17 of P.L.2009, c.79 (C.19:63-17) is amended to read as follows:

C.19:63-17 Actions of county board of elections relative to mail-in ballot.

17. The county board of elections shall, promptly after receiving each mail-in ballot, remove the inner envelope containing the ballot from the outer envelope and shall compare the signature and the information contained on the flap of the inner envelope with the signature and information contained in the respective requests for mail-in ballots. In addition, as to mail-in ballots issued less than seven days prior to an election, the county board of elections shall also check to establish that the mail-in voter did not vote in person. The county board shall reject such a ballot if it is not satisfied, pursuant to a comparison with the Statewide voter registration system, that the voter is legally entitled to vote and that the ballot conforms with the requirements of this act.

In the case of a mail-in ballot to be voted at a primary election for the general election, the ballot shall be rejected if the mail-in voter has indicated in the certificate the voter's intention to vote in a primary election of any political party in which the voter is not entitled to vote according to the Statewide voter registration system, and if it shall appear from the record that the voter is not entitled to vote in a primary election of the political party which has been so indicated.

Any mail-in ballot which is received by a county board of elections shall be rejected if both the inner and outer envelopes are unsealed or if either envelope has a seal that has been tampered with.

Disputes about the qualifications of a mail-in voter to vote or about whether or not or how any mail-in ballot shall be counted in such election shall be referred to the Superior Court for determination.

After such investigation, the county board of elections shall detach or separate the certificate from the inner envelope containing the mail-in ballot, unless it has been rejected by it or by the Superior Court, marking the envelope so as to identify the election district in which the ballot contained therein is to be voted as indicated by the voter's home address appearing on the certificate attached to or accompanying the inner envelope and, in the case of ballots to be voted at a primary election for a general election, so as to identify the political party in the primary election of which it is to be voted.

The location at which a county board of elections determines whether a mail-in ballot shall be accepted or rejected shall be considered an election district for the purposes of appointment of challengers.

56. Section 22 of P.L.2009, c.79 (C.19:63-22) is amended to read as follows:

C.19:63-22 Opening of mail-in ballots.

22. On the day of each election each county board of elections shall open in the presence of the commissioner of registration, or the designee thereof, the inner envelopes that contain the mail-in ballots with the votes cast for the election. The inner envelopes containing the ballots that the board or the Superior Court has rejected shall not be so opened, but shall be retained as provided for by this act. The board shall then proceed to canvass the votes cast on the mail-in ballots, but no such ballot shall be counted in any primary election for the general election if the ballot of the political party marked for voting thereon differs from the designation of the political party in the primary election of which such ballot is intended to be voted as marked on the envelope by the county board of elections.

Immediately after the canvass is completed, the respective county boards of election shall certify the result of the canvass to the county clerk or the municipal or district clerk or other appropriate officer, as the case may be, showing the result of the canvass by municipality and ward. The votes thus canvassed shall be counted in determining the result of the election.

The county board of elections shall, immediately after the canvass is completed for any primary election, certify the results of the votes cast for members of the county committees to the respective municipal clerks, and those votes shall be counted in determining the result of the election.

57. Section 23 of P.L.2009, c.79 (C.19:63-23) is amended to read as follows:

C.19:63-23 Marking in voting records to show mail-in ballots delivered.

23. As soon as practicable after each election, the board of elections shall mark in the Statewide voter registration system and all duplicate voting records to show that mail-in ballots were delivered or forwarded to the respective registered voters. For each mail-in ballot that has been voted, received and counted, the board of elections shall also, by reference to the certificates removed from the inner envelopes of such ballots, place the word "Voted" in the space provided in the Statewide voter registration system and duplicate voting record for recording the ballot number of the voter's ballot in the election. In the case of the primary election for the general election, the board shall also cause to be noted in the proper space of the Statewide voter registration system or other record of voting form the first three letters of the name of the political party primary in which such ballot was voted. The record contained in the Statewide voter registration system and of voting forms in the original permanent registration binders shall be conformed to the foregoing entries in the duplicate forms.

58. R.S.40:20-9 is amended to read as follows:

Nonpartisan ballot box; transfers.

40:20-9. The election provided for in section 40:20-8 of this title shall be deemed, so far as the question of the acceptance or rejection of sections 40:20-2 to 40:20-19 of this title is concerned, to be a special election, and shall be conducted by the county and district boards of registry and election in the same manner as other elections.

Notice of the election shall be given at the time and in the manner required for the primary election held on the same day, and the same boxes shall be used for the purposes of this election as are to be used for the purposes of the primary election, except that there shall be provided in each polling place, in addition to the boxes provided by law, a box to be known as the "nonpartisan box".

Any person entitled to vote at the primary election for the general election, and any person who would be entitled to vote at the primary if he were a member of one of the two political parties for which primary boxes are provided, may vote hereunder on that day.

Transfers shall be issued as provided by the laws relating to elections.

59. R.S.40:20-18 is amended to read as follows:

Results of election; return and canvassing.

40:20-18. The district boards of registry and elections shall make returns of the election held under sections 40:20-8 to 40:20-13 of this Title in the case of elections held on primary election for the general election day, in the manner provided by law for making returns in cases of special elections, and in the case of elections held on the day of a general election, in the manner provided by law for making returns of general elections.

The statements of the results of each election held hereunder shall be transmitted by the district boards of registry and elections to the officers designated by law for the purpose, and the votes shall be canvassed and determined by the county board of elections in the manner provided by law, and it shall certify the result to the county clerk.

60. Section 11 of P.L.2007, c.62 (C.40A:4-45.46) is amended to read as follows:

C.40A:4-45.46 Public question submitted for approval to raise taxes above the limitation allowable.

11. a. (Deleted by amendment, P.L.2010, c.44)

b. (1) The governing body of a local unit may request approval, through a public question submitted to the legal voters residing in its territory to increase the amount to be raised by taxation by more than the allowable adjusted tax levy. Approval shall be by an affirmative vote of in excess of 50 percent of the people voting on the question at the election. The local unit budget proposing the increase shall be introduced and approved in the manner otherwise provided for budgets of that local unit at least 20 days prior to the date on which the referendum is to be held, and shall be published in the manner otherwise provided for budgets of the local unit at least 12 days prior to the referendum date, unless otherwise directed by the Director of the Division of Local Government Services in the Department of Community Affairs.

(2) The public question to be submitted to the voters at the referendum shall state only the amount by which the adjusted tax levy shall be increased by more than the otherwise allowable adjusted tax levy, and the percentage rate of increase which that amount represents over the allowable adjusted tax levy. The public question shall include an accompanying explanatory statement that identifies the changes in appropriations or revenues that warranted the governing body's decision to ask the public question; or, in the alternative and subject to the approval of the Director of the Division of Local Government Services in the Department of Community

Affairs, a clear and concise narrative explanation of the circumstances for the increased adjusted tax levy being proposed.

(3) Unless otherwise provided pursuant to section 1 of P.L.1989, c.31 (C.40A:4-5.1), a referendum conducted pursuant to this subsection shall be held:

(a) for calendar year budgets only on the fourth Tuesday in January and the second Tuesday in March; and

(b) for fiscal year budgets, only the last Tuesday in September, or the second Tuesday in December.

(4) Any decision of the voters rejecting an increase to the tax levy cap under this subsection shall be final and conclusive, and no appeal or review shall be taken therefrom and no waiver application shall be made to the Local Finance Board.

(5) The director is authorized to act as necessary in order to consolidate ballot questions and procedures when a governing body elects to hold a referendum under both this section and section 9 of P.L.1983, c.49 (C.40A:4-45.16).

c. (Deleted by amendment, P.L.2010, c.44)

d. The adjusted tax levy shall be increased or decreased accordingly whenever the responsibility and associated cost of an activity performed by a local unit is transferred to or from a local unit, other government entity, or other service provider.

61. Section 8 of P.L.1981, c.496 (C.40:44-16) is amended to read as follows:

C.40:44-16 Publication of notice of ward boundaries.

8. Within 2 weeks immediately following the filing of the certified report by the ward commissioners, the municipal clerk shall cause to be published at least once in at least one newspaper generally circulating in the municipality a notice of the ward boundaries as fixed and determined in the report.

Upon completion of the publication, the former wards, if any, shall be superseded, and thereafter all officers elected or appointed in the municipality for or representing the wards thereof shall be elected from, or appointed for, the wards fixed and determined by the ward commissioners; except that, in municipalities wherein municipal officers are elected at the general election held on the first Tuesday after the first Monday in November, if the publication shall be completed in a year in which municipal officers are elected during the period between the date 75 days before the pri-

mary election for the general election and the date of the general election, the wards so fixed and determined shall take effect on the day following the holding of that general election; and, in municipalities wherein municipal officers are elected at a regular municipal election held on the second Tuesday in May, if the publication shall be completed in a year in which municipal officers are elected during the period between the date 75 days before the regular municipal election and the date of the election, the wards so fixed and determined shall take effect on the day following the holding of that regular municipal election.

62. This act shall take effect immediately.

Approved September 26, 2011.

CHAPTER 135

AN ACT concerning autocabs, amending R.S.48:16-3, and supplementing article 1 of chapter 16 of Title 48 of the Revised Statutes.

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

C.48:16-2.1 Determination of number of taxi licenses available for issuance.

1. A municipality shall determine by ordinance the number of taxi licenses available for issuance. Whenever the governing body of a municipality determines to authorize the issuance of one or more new or additional taxi licenses, it shall publish a notice, in a newspaper circulating generally within the municipality, stating the number of new or additional licenses to be authorized and the application period for the new or additional licenses. The notice shall specify a time and date after which no further applications will be accepted. The notice shall be published at least twice and at least one week apart, with the second notice published at least 30 days prior to the time and date specified in the notice as the time and date after which no further applications will be accepted.

C.48:16-2.2 Construction of C.48:16-2.1 relative to issuance of license.

2. The provisions of section 1 of P.L.2011, c.135 (C.48:16-2.1) shall not be construed to require the issuance of any license or licenses with respect to which a notice has been published pursuant to that section 1, but in any case in which any such license or licenses have not been issued within

six months after the closing time and date for acceptance of applications specified in the notice, no such license or licenses shall be issued without again complying with the provisions of that section 1 of P.L.2011, c.135 (C.48:16-2.1).

C.48:16-2.3 Issuance, qualification for license; reimbursement to municipality.

3. Whenever the governing body of a municipality determines by ordinance to issue one or more taxi licenses, the governing body may authorize that such license or licenses be issued to the highest qualified bidder therefor at a sale by public auction for that purpose conducted or supervised by the municipal clerk. The ordinance also may prescribe qualifications for prospective bidders; provided, however, that such qualifications shall not be inconsistent with any law of this State, or rule or regulation of any agency thereof. The ordinance may also fix a minimum bid and conditions of sale with the reservation of the right to reject all bids where the highest bid is not accepted. The ordinance may also include a requirement that the recipient of a taxi license issued pursuant to this section, as a condition of the award of such license, shall reimburse the municipality for any costs incurred by the municipality in complying with the public notice requirements established pursuant to section 1 of P.L.2011, c.135 (C.48:16-2.1). In the event that more than one taxi license is issued at the same public auction, the recipients thereof shall equally split the costs of reimbursing the municipality for any costs incurred by the municipality in complying with the public notice requirements.

C.48:16-2.4 Display of taxi license number.

4. The owner of an autocab shall cause to be displayed on the body of the vehicle the taxi license number issued to that vehicle. The number shall be three inches in height and located in the center of the rear quarter panels on the driver and passenger sides and the rear center line of the trunk of the vehicle. Each autocab shall display on each rear door of the autocab the name of the municipality or municipalities which has issued the autocab a taxi license in letters three inches in height.

5. R.S.48:16-3 is amended to read as follows:

Insurance; amount; criminal history record background check.

48:16-3. No such consent shall become effective until the provisions of subsections a. and b. of this section have been satisfied:

a. The owner of the autocab shall have filed with the clerk of the municipality in which such operation is permitted, an insurance policy which

shall be issued by an admitted insurance company duly licensed to transact business under the insurance laws of this State or a company registered to do business in the State, the policy providing for not less than \$35,000 of motor vehicle liability insurance coverage or the amount of motor vehicle liability insurance coverage required pursuant to section 1 of P.L.1972, c.197 (C.39:6B-1), whichever is greater, to satisfy all claims for damages, by reason of bodily injury to, or the death of, any person or persons, resulting from, or on account of, an accident, by reason of the ownership, operation, maintenance, or use of such autocab upon any public street; and to satisfy any claim for damages to property of any person or persons, resulting from, or on account of, an accident, by reason of the ownership, operation, maintenance, or use of such autocab upon any public street.

Nothing contained in this subsection shall prohibit the owner of an autocab from obtaining any additional amount of motor vehicle liability insurance coverage from a company licensed outside the State of New Jersey.

The consent shall be effective and operation thereunder shall be permitted only so long as the insurance policy shall remain in force to the full and collectible amounts as aforesaid.

The insurance policy shall provide for the payment of any final judgment recovered by any person on account of the ownership, maintenance, or use of the autocab or any fault in respect thereto, and shall be for the benefit of every person suffering loss, damage or injury as aforesaid; and

b. Each operator or driver of the autocab for which the owner thereof is seeking the consent to operate in a municipality has submitted to the performance of a criminal history record background check. The cost for the criminal history record background check, including all costs of administering and processing the check, shall be borne by the operator or driver of the autocab.

A person shall be disqualified from operating or driving an autocab if a criminal history record background check required pursuant to this subsection reveals a record of conviction of any of the following crimes:

(1) In New Jersey or elsewhere any crime as follows: aggravated assault, arson, burglary, escape, extortion, homicide, kidnapping, robbery, aggravated sexual assault, sexual assault or endangering the welfare of a child pursuant to N.J.S.2C:24-4, whether or not armed with or having in his possession any weapon enumerated in subsection r. of N.J.S.2C:39-1, a crime pursuant to the provisions of N.J.S.2C:39-3, N.J.S.2C:39-4, or N.J.S.2C:39-9, or other than a disorderly persons or petty disorderly persons offense for the unlawful use, possession or sale of a controlled dangerous substance as defined in N.J.S.2C:35-2.

(2) In any other state, territory, commonwealth, or other jurisdiction of the United States, or any country in the world, as a result of a conviction in a court of competent jurisdiction, a crime which in that other jurisdiction or country is comparable to one of the crimes enumerated in paragraph (1) of this subsection.

If a person who has been convicted of one of the crimes enumerated in paragraphs (1) and (2) of this subsection can produce a certificate of rehabilitation issued pursuant to N.J.S.2A:168A-8 or, if the criminal offense occurred outside New Jersey, an equivalent certificate from the jurisdiction where the criminal offense occurred, the criminal offense shall not disqualify the applicant from operating or driving an autocab.

The provisions of this subsection shall not apply to an operator or driver of an autocab who has received the consent to operate in a municipality prior to the effective date of P.L.2011, c.135 (C.48:16-2.1 et al.).

6. This act shall take effect on the 60th day following enactment.

Approved September 30, 2011.

CHAPTER 136

AN ACT concerning contracting 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.30:1-1.2 Establishment of contracts, licensing for social services providers.

1. The Commissioners of Human Services and Children and Families, or their designees, shall, to the extent practicable, collaborate to establish:

a. uniform contracting requirements for social service organizations that contract with the Department of Human Services or the Department of Children and Families, or both, to provide services to clients of the departments. The requirements shall include, but not be limited to, uniform reporting procedures and uniform audit schedules;

b. centralized licensing review and licensing issuance procedures in which:

(1) the Department of Human Services or the Department of Children and Families, as appropriate, shall review the requirements for the purpose of licensing the program to provide specified services to clients of the ap-

plicable department, which review shall serve as the basis for issuing or renewing one or more licenses required by the Department of Human Services or the Department of Children and Families, or both, to provide other services to clients of the departments;

(2) in the case of an organization with programs licensed to provide services through both the Department of Human Services and the Department of Children and Families, each program shall be issued a license by a single department, to the extent practicable, in accordance with the agreed upon licensing issuance procedures; and

c. a multi-year contract to a social service organization that has exhibited a good compliance record with contracting requirements and licensing standards, as determined by the Commissioner of Human Services or the Commissioner of Children and Families, as applicable.

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

Approved September 30, 2011.

CHAPTER 137

AN ACT concerning the establishment of green job certification programs and supplementing chapters 54 and 64A of Title 18A of the New Jersey Statutes.

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

C.18A:54-24.1 “Green job” defined, certification program.

1. a. As used in this section, “green job” means those aspects of employment that deal with renewable energy, energy conservation, energy efficiency, and energy sustainability.

b. A county vocational school district may enter into a partnership with one or more private entities to develop and establish a green jobs certification program. Under the program the county vocational school district shall identify needed skills, develop training programs, and train workers for green jobs in one or more industries including, but not limited to, energy efficient building, construction and retrofits, renewable electric power, energy efficient vehicles, biofuels, and manufacturing that produces sus-

tainable products and uses sustainable processes and materials. The county vocational school district shall issue a green jobs certification to each person who successfully completes the training program.

c. A county vocational school district may review national standards established by various industries in developing a green jobs certification program.

d. A county vocational school district may consult with the Department of Community Affairs in developing a green jobs certification program.

C.18A:64A-81 County colleges to establish green job certification programs.

2. a. As used in this section, “green job” means those aspects of employment that deal with renewable energy, energy conservation, energy efficiency, and energy sustainability.

b. A county college may enter into a partnership with one or more private entities to develop and establish a green jobs certification program. Under the program the county college shall identify needed skills, develop training programs, and train workers for green jobs in one or more industries including, but not limited to, energy efficient building, construction and retrofits, renewable electric power, energy efficient vehicles, biofuels, and manufacturing that produces sustainable products and uses sustainable processes and materials. The county college shall issue a green jobs certification to each person who successfully completes the training program.

c. A county college may review national standards established by various industries in developing a green jobs certification program.

d. A county college may consult with the Department of Community Affairs in developing a green jobs certification program.

3. This act shall take effect immediately.

Approved November 7, 2011.

CHAPTER 138

AN ACT concerning bail and domestic violence and amending P.L.1994, c.144.

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

1. Section 1 of P.L.1994, c.144 (C.2A:162-12) is amended to read as follows:

C.2A:162-12 Crimes with bail restrictions; posting of bail.

1. a. As used in this section:

"Crime with bail restrictions" means a crime of the first or second degree charged under any of the following sections:

(1) Murder	2C:11-3.
(2) Manslaughter	2C:11-4.
(3) Kidnapping	2C:13-1.
(4) Sexual Assault	2C:14-2.
(5) Robbery	2C:15-1.
(6) Carjacking	P.L.1993, c.221, s.1 (C.2C:15-2).
(7) Arson and Related Offenses	2C:17-1.
(8) Causing or Risking Widespread Injury or Damage	2C:17-2.
(9) Burglary	2C:18-2.
(10) Theft by Extortion	2C:20-5.
(11) Endangering the Welfare of Children	2C:24-4.
(12) Resisting Arrest; Eluding Officer	2C:29-2.
(13) Escape	2C:29-5.
(14) Corrupting or Influencing a Jury	2C:29-8.
(15) Possession of Weapons for Unlawful Purposes	2C:39-4.
(16) Weapons Training for Illegal Activities	P.L.1983, c.229, s.1 (C.2C:39-14).
(17) Soliciting or Recruiting Gang Members	P.L.1999, c.160, s.1 (C.2C:33-28).

"Crime with bail restrictions" also includes any first or second degree drug-related crimes under chapter 35 of Title 2C of the New Jersey Statutes and any first or second degree racketeering crimes under chapter 41 of Title 2C of the New Jersey Statutes.

"Crime with bail restrictions" also includes any crime or offense involving domestic violence, as defined in subsection a. of section 3 of P.L.1991, c. 261 (C.2C:25-19), where the defendant was subject to a temporary or permanent restraining order issued pursuant to the provisions of the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et al.) and is charged with a crime committed against a person protected under the order or where the defendant is charged with contempt pursuant to N.J.S.2C:29-9.

b. Subject to the provisions of subsection c. of this section, a person charged with a crime with bail restrictions may post the required amount of bail only in the form of:

- (1) Full cash;
- (2) A surety bond executed by a corporation authorized under chapter 31 of Title 17 of the Revised Statutes; or
- (3) A bail bond secured by real property situated in this State with an unencumbered equity equal to the amount of bail undertaken plus \$20,000.

c. There shall be a presumption in favor of the court designating the posting of full United States currency cash bail to the exclusion of other forms of bail when a defendant is charged with an offense as set forth in subsection a. of this section and:

- (1) has two other indictable cases pending at the time of the arrest; or
- (2) has two prior convictions for a first or second degree crime or for a violation of section 1 of P.L.1987, c.101 (C.2C:35-7) or any combination thereof; or
- (3) has one prior conviction for murder, aggravated manslaughter, aggravated sexual assault, kidnapping or bail jumping; or
- (4) was on parole at the time of the arrest; or
- (5) was subject to a temporary or permanent restraining order issued pursuant to the provisions of the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et al.), was charged with a crime committed against a person protected under that order, including a charge of contempt pursuant to N.J.S.2C:29-9, and either: (a) is charged with commission of a domestic violence crime that resulted in serious bodily injury to the victim; or (b) has at least one prior conviction for a crime or offense involving domestic violence against the same victim or has previously violated a final restraining order protecting the same victim,

unless the court finds on the record that another form of bail authorized in subsection b. of this section will ensure the defendant's presence in court when required.

d. When bail is posted in the form of a bail bond secured by real property, the owner of the real property, whether the person is admitted to bail or a surety, shall also file an affidavit containing:

- (1) A legal description of the real property;
- (2) A description of each encumbrance on the real property;
- (3) The market value of the unencumbered equity owned by the affiant as determined in a full appraisal conducted by an appraiser licensed by the State of New Jersey; and

(4) A statement that the affiant is the sole owner of the unencumbered equity.

e. Nothing herein is intended to preclude a court from releasing a person on the person's own recognizance when the court determines that such person is deserving.

2. This act shall take effect immediately.

Approved November 7, 2011.

CHAPTER 139

AN ACT concerning cooperative purchasing agreements and amending P.L.1996, c.16.

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

1. Section 7 of P.L.1996, c.16 (C.52:34-6.2) is amended to read as follows:

C.52:34-6.2 Cooperative purchasing agreements with other states for purchase of goods, services; rules, regulations.

7. a. Notwithstanding the provisions of any other law to the contrary except the provisions of R.S.30:4-95, and as an alternative to the procedures concerning the awarding of public contracts provided in P.L.1954, c.48 (C.52:34-6 et seq.), the Director of the Division of Purchase and Property in the Department of the Treasury may enter into cooperative purchasing agreements with one or more other states, or political subdivisions thereof, for the purchase of goods and services. A cooperative purchasing agreement shall allow the jurisdictions which are parties thereto to standardize and combine their requirements for the purchase of a particular good or service into a single contract solicitation which shall be competitively bid and awarded by one of the jurisdictions on behalf of jurisdictions participating in the contract.

b. (1) The director may elect to purchase goods or services through a contract awarded pursuant to a cooperative purchasing agreement whenever the director determines this to be the most cost-effective method of procurement. Prior to entering into any contract to be awarded or already awarded

through a cooperative purchasing agreement, the director shall review and approve the specifications and proposed terms and conditions of the contract.

(2) The director may also elect to purchase goods or services through a contract awarded pursuant to a nationally-recognized and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process, in which other states participate, whenever the director determines this to be the most cost-effective method of procurement. Prior to entering into any contract to be awarded through a nationally-recognized and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process, the director shall review and approve the specifications and proposed terms and conditions of the contract.

(3) Notwithstanding any other law to the contrary, any contracting unit authorized to purchase goods, or to contract for services, may make purchases and contract for services through the use of a nationally-recognized and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process by another contracting unit within the State of New Jersey, or within any other state, when available. Prior to making purchases or contracting for services, the contracting unit shall determine that the use of the cooperative purchasing agreement shall result in cost savings after all factors, including charges for service, material, and delivery, have been considered.

For purposes of this paragraph, "contracting unit" means any county, municipality, special district, school district, fire district or any board, commission, committee, authority or agency, which is not a State board, commission, committee, authority or agency, and which has administrative jurisdiction over any district, included or operating in whole or in part, within the territorial boundaries of any county or municipality which exercises functions which are appropriate for the exercise by one or more units of local government, and which has statutory power to make purchases and enter into contracts awarded by a contracting agent for the provision or performance of goods or services.

c. The director may solicit bids and award contracts on behalf of this State and other jurisdictions which are parties to a cooperative purchasing agreement provided that the agreement specifies that each jurisdiction participating in a contract is solely responsible for the payment of the purchase price and cost of purchases made by it under the terms of any contract awarded pursuant to the agreement.

d. The director may promulgate rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), which are necessary to effectuate the purposes of this section.

2. This act shall take effect immediately.

Approved November 7, 2011.

CHAPTER 140

AN ACT concerning the conversion of certain nonpublic schools into charter schools and amending and supplementing P.L.1995, c.426.

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

C.18A:36A-4.1 Conversion to charter school by certain nonpublic schools.

1. a. The governing body of a high-performing nonpublic school that is located in a failing school district may submit an application to the Commissioner of Education to convert the school to a charter school. The application of a nonpublic school to convert to a charter school shall certify that upon conversion to charter school status the school shall prohibit religious instruction, events, and activities that promote religious views, and the display of religious symbols. The name of the proposed charter school shall not include any religious reference.

b. The Commissioner of Education shall establish a process for the review of charter school conversion applications. The commissioner may grant an application if the school is a high-performing nonpublic school and located in a failing school district.

As used in this subsection:

“Failing school district” means a school district in need of improvement pursuant to the provisions of the “No Child Left Behind Act of 2001,” Pub.L.107-110;

“High-performing nonpublic school” means a nonpublic school that ranked in the 66th percentile or higher on a norm-referenced achievement test in the school year prior to the school year in which a conversion application is submitted pursuant to subsection a. of this section;

“Norm-referenced achievement test” means the California Achievement Test (CAT), Metropolitan Achievement Test (MAT), Stanford Achievement Test (SAT), or the Comprehensive Test of Basic Skills (CTBS) or one of the tests within the CTBS.

c. Students enrolled in the nonpublic school in the school year preceding its conversion to a charter school shall be eligible to continue enrollment at the school after its conversion. Preference for any remaining en-

rollment spaces for the charter school for its first year, and for all enrollment spaces in each successive year, shall be provided pursuant to the provisions of section 8 of P.L.1995, c.426 (C.18A:36A-8).

d. Teaching staff and other employees of the nonpublic school may continue employment at the charter school upon its conversion. Any employee who is not certified in accordance with the provisions of subsection c. of section 14 of P.L.1995, c.426 (C.18A:36A-14) shall take immediate action towards receiving appropriate New Jersey certification and shall be in full compliance with all certification requirements within two years of the school's conversion. Any employee hired following the conversion of the nonpublic school to charter school status shall meet the requirements of subsection c. of section 14 of P.L.1995, c.426 (C.18A:36A-14).

e. Except as otherwise provided in this section, the provisions of P.L.1995, c.426 (C.18A:36A-1 et seq.) shall apply in the case of a nonpublic school applying for conversion or having undergone conversion to charter school status.

2. Section 4 of P.L.1995, c.426 (C.18A:36A-4) is amended to read as follows:

C.18A:36A-4 Establishment of charter school.

4. a. A charter school may be established by teaching staff members, parents with children attending the schools of the district, or a combination of teaching staff members and parents. A charter school may also be established by an institution of higher education or a private entity located within the State in conjunction with teaching staff members and parents of children attending the schools of the district. If the charter school is established by a private entity, representatives of the private entity shall not constitute a majority of the trustees of the school, and the charter shall specify the extent to which the private entity shall be involved in the operation of the school. The name of the charter school shall not include the name or identification of the private entity, and the private entity shall not realize a net profit from its operation of a charter school.

b. A currently existing public school is eligible to become a charter school if the following criteria are met:

(1) At least 51% of the teaching staff in the school shall have signed a petition in support of the school becoming a charter school; and

(2) At least 51% of the parents or guardians of pupils attending that public school shall have signed a petition in support of the school becoming a charter school.

c. An application to establish a charter school shall be submitted to the commissioner and the local board of education or State district superintendent, in the case of a school district under full State intervention, in the school year preceding the school year in which the charter school will be established. Notice of the filing of the application shall be sent immediately by the commissioner to the members of the State Legislature, school superintendents, and mayors and governing bodies of all legislative districts, school districts, or municipalities in which there are students who will be eligible for enrollment in the charter school. The board of education or State district superintendent shall review the application and forward a recommendation to the commissioner within 60 days of receipt of the application. The commissioner shall have final authority to grant or reject a charter application.

d. The local board of education or a charter school applicant may appeal the decision of the commissioner to the Appellate Division of the Superior Court.

e. A charter school established during the 48 months following the effective date of this act, other than a currently existing public school which becomes a charter school pursuant to the provisions of subsection b. of section 4 of this act, shall not have an enrollment in excess of 500 students or greater than 25% of the student body of the school district in which the charter school is established, whichever is less.

Any two charter schools within the same public school district that are not operating the same grade levels may petition the commissioner to amend their charters and consolidate into one school. The commissioner may approve an amendment to consolidate, provided that the basis for consolidation is to accommodate the transfer of students who would otherwise be subject to the random selection process pursuant to section 8 of P.L.1995, c.426 (C.18A:36A-8).

3. Section 10 of P.L.1995, c.426 (C.18A:36A-10) is amended to read as follows:

C.18A:36A-10 Location of charter school.

10. A charter school may be located in part of an existing public school building, in space provided on a public work site, in a public building, or any other suitable location. In the case of a nonpublic school that converts to a charter school pursuant to the provisions of section 1 of P.L.2011, c.140 (C.18A:36A-4.1), the charter school may be located in the same school building in which the nonpublic school was located. The facility shall be

exempt from public school facility regulations except those pertaining to the health or safety of the pupils. A charter school shall not construct a facility with public funds other than federal funds.

4. This act shall take effect immediately.

Approved November 10, 2011.

CHAPTER 141

AN ACT concerning solar energy and wind energy and supplementing P.L.1979, c.111 (C.13:18A-1 et seq.) and P.L.1975, c.291 (C.40:55D-1 et seq.).

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

C.13:18A-15.1 Rules, regulations providing for approval of development of solar, photovoltaic energy facility, structure on certain sites in the pinelands.

1. a. Within 180 days after the date of enactment of this act, the Pinelands Commission shall adopt rules and regulations providing for the approval of the development of a solar or photovoltaic energy facility or structure in the pinelands area on the site of a landfill or resource extraction operation, provided that the development is consistent with the comprehensive management plan, adopted pursuant to section 7 of P.L.1979, c.111 (C.13:18A-8), and:

(1) if located on a resource extraction site, the facility or structure shall be on previously disturbed lands that have not subsequently been restored, and which are not subject to any restoration obligation pursuant to the comprehensive management plan; or

(2) if located on a landfill, the facility or structure shall be on previously disturbed lands or on adjacent lands as necessary to facilitate closure of the landfill in accordance with a plan approved by the Pinelands Commission in consultation with the Department of Environmental Protection. The landfill shall be closed in accordance with a plan approved by the commission, in consultation with the department, under the requirements of the comprehensive management plan prior to, or concurrent with, the installation of the solar or photovoltaic energy facility or structure.

b. In addition to the conditions set forth in subsection a. of this section, development of the facility or structure shall not permanently or adversely impact: (1) any existing engineering devices or other environmental controls located on a site, except as may be approved by the Pinelands Commission in consultation with the Department of Environmental Protection; and (2) ecologically sensitive areas located on, adjacent to, or within the same sub-watershed as the site proposed for development, except as may be approved by the commission in consultation with the department.

c. Within one year after the termination of use of the solar or photovoltaic energy facility or structure, the facility, and all structures associated therewith, shall be removed and restoration of the site shall be completed in accordance with the comprehensive management plan, or within another time period as approved by the Pinelands Commission, in consultation with the Department of Environmental Protection and under the requirements of the comprehensive management plan.

C.40:55D-66.16 Solar, photovoltaic energy facility, structure, certain, permitted use within every municipality.

2. a. Notwithstanding any law, ordinance, rule or regulation to the contrary, a solar or photovoltaic energy facility or structure constructed and operated on the site of any landfill or closed resource extraction operation, shall be a permitted use within every municipality.

b. Notwithstanding any law, ordinance, rule or regulation to the contrary, a wind energy generation facility or structure constructed and operated on the site of any landfill or closed resource extraction operation, shall be a permitted use within every municipality outside the pinelands area as defined pursuant to section 3 of P.L.1979, c.111 (C.13:18A-3).

The Department of Environmental Protection may adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations as necessary to effectuate the purposes of this subsection.

3. This act shall take effect immediately.

Approved December 14, 2011.

CHAPTER 142

AN ACT concerning the sterilization and impoundment of animals and amending and supplementing P.L.1941, c.151.

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

1. Section 1 of P.L.1941, c.151 (C.4:19-15.1) is amended to read as follows:

C.4:19-15.1 Definitions.

1. As used in P.L.1941, c.151 (C.4:19-15.1 et seq.):

"Animal rescue organization" means an individual or group of individuals who, with or without salary or compensation, house and care for homeless animals in the home of an individual or in other facilities, with the intent of placing the animals in responsible, more permanent homes as soon as possible.

"Animal rescue organization facility" means the home or other facility in which an animal rescue organization houses and cares for an animal.

"Certified animal control officer" means a person 18 years of age or older who has satisfactorily completed the course of study approved by the Commissioner of Health and Senior Services and the Police Training Commission as prescribed by paragraphs (1) through (3) of subsection a. of section 3 of P.L.1983, c.525 (C.4:19-15.16a); or who has been employed in the State of New Jersey in the capacity of, and with similar responsibilities to those required of, a certified animal control officer pursuant to the provisions of P.L.1983, c.525 for a period of three years before January 17, 1987.

"Dog" means any dog, bitch or spayed bitch.

"Dog of licensing age" means any dog which has attained the age of seven months or which possesses a set of permanent teeth.

"Foster home" means placement of a cat or dog with an individual or group that is not an animal rescue organization for the purpose of temporarily caring for the cat or dog, without the individual or group assuming ownership and with the intent of the individual or group relinquishing the cat or dog to a suitable owner when one is located.

"Kennel" means any establishment wherein or whereon the business of boarding or selling dogs or breeding dogs for sale is carried on, except a pet shop.

"Owner" when applied to the proprietorship of a dog shall include every person having a right of property in that dog and every person who has that dog in his keeping, and when applied to the proprietorship of any other animal, including, but not limited to, a cat, shall include every person having a right of property in that animal and every person who has that animal in his keeping.

"Pet shop" means any place of business which is not part of a kennel, wherein animals, including, but not limited to, dogs, cats, birds, fish, reptiles, rabbits, hamsters or gerbils, are kept or displayed chiefly for the purpose of sale to individuals for personal appreciation and companionship rather than for business or research purposes.

"Pound" means an establishment for the confinement of dogs or other animals seized either under the provisions of this act or otherwise.

"Shelter" means any establishment where dogs or other animals are received, housed and distributed.

"Sterilize" means to render an animal incapable of reproducing by either spaying or neutering.

2. Section 16 of P.L.1941, c.151 (C.4:19-15.16) is amended to read as follows:

C.4:19-15.16 Unclaimed dogs or other animals to be euthanized, offered for adoption.

16. a. The certified animal control officer appointed by the governing body of the municipality shall take into custody and impound any animal, to thereafter be euthanized or offered for adoption, as provided in this section:

(1) Any dog off the premises of the owner or of the person charged with the care of the dog, which is reasonably believed to be a stray dog;

(2) Any dog off the premises of the owner or the person charged with the care of the dog without a current registration tag on its collar or elsewhere;

(3) Any female dog in season off the premises of the owner or the person charged with the care of the dog;

(4) Any dog or other animal which is suspected to be rabid; or

(5) Any dog or other animal off the premises of the owner or the person charged with its care that is reported to, or observed by, a certified animal control officer to be ill, injured, or creating a threat to public health, safety or welfare, or otherwise interfering with the enjoyment of property.

b. If an animal taken into custody and impounded pursuant to subsection a. of this section has a collar or harness with identification of the name and address of any person, or has a registration tag, or has a microchip with an identification number that can be traced to the owner or person charged with the care of the animal, or the owner or the person charged with the care of the animal is otherwise known, the certified animal control officer shall ascertain the name and address of the owner or the person charged with the care of the animal, and serve to the identified person as soon as practicable, a notice in writing that the animal has been seized and will be

liable to be offered for adoption or euthanized if not claimed within seven days after the service of the notice.

c. A notice required pursuant to this section may be served: (1) by delivering it to the person on whom it is to be served, or by leaving it at the person's usual or last known place of residence or the address given on the collar, harness, or microchip identification; or (2) by mailing the notice to that person at the person's usual or last known place of residence, or to the address given on the collar, harness or microchip identification.

d. A shelter, pound, or kennel operating as a shelter or pound receiving an animal from a certified animal control officer pursuant to subsection a. of this section, or from any other individual, group, or organization, shall hold the animal for at least seven days before offering it for adoption, or euthanizing, relocating, or sterilizing the animal, except if:

(1) the animal is surrendered voluntarily by its owner to the shelter, pound, or kennel operating as a shelter or pound, in which case the provisions of subsection e. of this section shall apply; or

(2) the animal is suspected of being rabid, in which case the provisions of subsection j. of this section shall apply.

e. If a shelter, pound or kennel operating as a shelter or pound is not required to hold an animal for at least seven days pursuant to paragraph (1) of subsection d. of this section, the shelter, pound, or kennel operating as a shelter or pound:

(1) shall offer the animal for adoption for at least seven days before euthanizing it; or

(2) may transfer the animal to an animal rescue organization facility or a foster home prior to offering it for adoption if such a transfer is determined to be in the best interest of the animal by the shelter, pound, or kennel operating as a shelter or pound.

f. Except as otherwise provided for under subsection e. of this section, no shelter, pound, or kennel operating as a shelter or pound receiving an animal from a certified animal control officer may transfer the animal to an animal rescue organization facility or a foster home until the shelter, pound, or kennel operating as a shelter or pound has held the animal for at least seven days.

g. If the owner or the person charged with the care of the animal seeks to claim it within seven days, or after the seven days have elapsed but before the animal has been adopted or euthanized, the shelter, pound, or kennel operating as a shelter or pound:

(1) shall, in the case of a cat or dog, release it to the owner or person charged with its care, provided the owner or person charged with the care

of the animal provides proof of ownership, which may include a valid cat or dog license, registration, rabies inoculation certificate or documentation from the owner's veterinarian that the cat or dog has received regular care from that veterinarian;

(2) may, in the case of a cat or dog, charge the cost of sterilizing the cat or dog, if the owner requests such sterilizing when claiming it; and

(3) may require the owner or person charged with the care of the animal to pay all the animal's expenses while in the care of the shelter, pound, or kennel operating as a shelter or pound, not to exceed \$4 per day.

h. If the animal remains unclaimed, is not claimed due to the failure of the owner or other person to comply with the requirements of this section, or is not adopted after seven days after the date on which notice is served pursuant to subsection c. of this section or, if no notice can be served, not less than seven days after the date on which the animal was impounded, the impounded animal may be placed in a foster home, transferred to another shelter, pound, kennel operating as a shelter or pound, or animal rescue organization facility, or euthanized in a manner causing as little pain as possible and consistent with the provisions of R.S.4:22-19.

i. At the time of adoption, the right of ownership in the animal shall transfer to the new owner. No dog or other animal taken into custody, impounded, sent or otherwise brought to a shelter, pound, or kennel operating as a shelter or pound shall be sold or otherwise be made available for the purpose of experimentation. Any person who sells or otherwise makes available any such dog or other animal for the purpose of experimentation shall be guilty of a crime of the fourth degree.

j. Any animal seized under this section suspected of being rabid shall be immediately reported to the executive officer of the local board of health and to the Department of Health and Senior Services, and shall be quarantined, observed, and otherwise handled and dealt with as appropriate for an animal suspected of being rabid or as required by the Department of Health and Senior Services for such animals.

k. When a certified animal control officer takes into custody and impounds, or causes to be taken into custody and impounded, an animal, the certified animal control officer may place the animal in the custody of, or cause the animal to be placed in the custody of, only a licensed shelter, pound, or kennel operating as a shelter or pound. The certified animal control officer may not place the animal in the custody of, or cause the animal to be placed in the custody of, any animal rescue organization facility, foster home, or other unlicensed facility. However, the licensed shelter, pound, or kennel operating as a shelter or pound may place the animal in an

animal rescue organization facility, foster home, or other unlicensed facility if necessary pursuant to subsection e. or h. of this section.

1. Notwithstanding the provisions of this section and sections 3 and 4 of P.L.2011, c.142 (C.4:19-15.30 and C.4:19-15.31) to the contrary, no cat or dog being transferred between shelters, pounds, or kennels operating as shelters or pounds, or being transferred to an animal rescue organization facility or placed in a foster home, shall be required to be sterilized prior to that transfer.

C.4:19-15.30 “Pet Sterilization Pilot Program.”

3. a. The Department of Health and Senior Services shall develop and establish a pilot program to be known as the “Pet Sterilization Pilot Program.” The pilot program shall operate in any county with significant animal overpopulation issues that is selected for the program by the Commissioner of Health and Senior Services and agrees to participate in the program. Upon the county’s agreement to participate, every shelter, pound, and kennel operating as a shelter or pound in the county shall participate in the pilot program.

b. A shelter, pound, or kennel operating as a shelter or pound in a county participating in the pilot program established under subsection a. of this section shall require every cat or dog to be sterilized before releasing it to a person adopting a cat or dog from the shelter, pound, or kennel operating as a shelter or pound when adoption is permitted pursuant to section 16 of P.L.1941, c.151 (C.4:19-15.16), except as provided under section 4 of P.L.2011, c.142 (C.4:19-15.31). The shelter, pound, or kennel operating as a shelter or pound may charge the person adopting the animal the cost of sterilization.

c. The pilot program shall operate for a period of at least two years. No later than two years after the pilot program is established and becomes operative, the Commissioner of Health and Senior Services 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. The report shall contain information on the implementation of the pilot program and shall include the recommendation of the commissioner on the feasibility of implementing the pilot program on a Statewide basis.

C.4:19-15.31 Exceptions to sterilization requirement for adopted animals.

4. a. Pursuant to the pilot program established under section 3 of P.L.2011, c.142 (C.4:19-15.30), a person may adopt and remove a cat or dog from a shelter, pound, or kennel operating as a shelter or pound, without sterilizing the cat or dog, if: (1) the cat or dog is less than six months old;

and (2) the person pays a refundable deposit, the amount of which is to be established by the shelter, pound, or kennel operating as a shelter or pound.

b. The shelter, pound, or kennel operating as a shelter or pound shall refund the deposit required pursuant to subsection a. of this section if, within 180 days after the date of adoption, the person who adopted the cat or dog submits a certification from a licensed veterinarian that the cat or dog (1) has been sterilized, or (2) cannot be sterilized because it would be detrimental to the health of the cat or dog for reasons other than age. The shelter, pound, or kennel operating as a shelter or pound shall issue the refund within 30 days after receipt of the licensed veterinarian's certification.

c. A person adopting a cat or dog that cannot be sterilized for reasons other than age may remove the cat or dog from the shelter, pound, or kennel operating as a shelter or pound without paying a deposit on the cat or dog, provided that a licensed veterinarian has certified the cat or dog cannot be sterilized because it would be detrimental to the health of the cat or dog for reasons other than age.

C.4:19-15.32 Impounded cat, dog, search for owner prior to release to adopter, euthanasia.

5. a. When a cat or dog is put in the custody of and impounded with a shelter, pound, or kennel operating as a shelter or pound, or an animal rescue organization facility receives a cat or dog, the shelter, pound, kennel operating as a shelter or pound, or animal rescue organization facility shall, if the identity of the owner is not known, scan the animal for microchip identification, provided the shelter, pound, kennel operating as a shelter or pound, or animal rescue organization facility has such technology available.

b. Prior to release of any cat or dog for adoption, transfer to another facility or foster home, or euthanasia of the cat or dog, the shelter, pound, kennel operating as a shelter or pound, or animal rescue organization facility shall, if the identity of the owner is not known, scan the cat or dog for microchip identification, provided the shelter, pound, kennel operating as a shelter or pound, or animal rescue organization facility has such technology available.

c. If either scan required pursuant to subsection a. or b. of this section reveals information concerning the owner of the cat or dog, the shelter, pound, kennel operating as a shelter or pound, or animal rescue organization facility shall immediately seek to contact and notify the owner of the whereabouts of the cat or dog. Furthermore, if microchip identification is found, the shelter, pound, kennel operating as a shelter or pound, or animal rescue organization facility shall hold the animal for at least seven days after the notification to the owner.

C.4:19-15.33 Registry of animal rescue organizations, facilities.

6. a. The Department of Health and Senior Services shall establish a registry of animal rescue organizations and their facilities in the State. Any animal rescue organization may voluntarily participate in the registry.

b. The department, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), may adopt any rules and regulations determined necessary to implement the voluntary registry and coordinate its use with the provisions of P.L.2011, c.142 (C.4:19-15.30 et al.) and section 16 of P.L.1941, c.151 (C.4:19-15.16).

7. This act shall take effect on the 180th day following enactment, but the Department of Health and Senior Services may take any administrative or regulatory action prior thereto to implement the provisions of this act.

Approved December 14, 2011.

CHAPTER 143

AN ACT establishing the "Task Force on the Closure of State Developmental Centers."

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

1. The Legislature finds and declares that:

a. The closure of developmental centers advances New Jersey's efforts to comply with the decision by the Supreme Court of the United States in *Olmstead v. L.C.*, 527 U.S. 581 (1999), which requires states to provide community living options and other supports to individuals with developmental disabilities who do not require or want institutionalized care;

b. Continuing New Jersey's commitment to providing individuals with developmental disabilities the ability to live in the most integrated setting appropriate to their needs, consistent with the *Olmstead v. L.C.* decision, is critical to ensure a better quality of life;

c. It is our goal to reduce the number of developmental centers, while being consistent with federal Medicaid law, and that such centers shall be utilized primarily to provide specialty services for individuals with developmental disabilities who exhibit high-risk behaviors, have intense medical needs, or are court-ordered;

d. The State operates more developmental centers than necessary to support a declining population of individuals with developmental disabilities, which has decreased by approximately 1,200 individuals, or 33 percent, since 1998;

e. It is our goal to affirm the State's commitment to reducing reliance on institutional care, along with expanding community living options; and

f. It is important for the State to affirm its commitment to provide individuals with developmental disabilities who are institutionalized with the opportunity to live in the community, consistent with the *Olmstead v. L.C.* decision, and to realign fiscal, staffing, and operational resources to support community living.

2. There is established the "Task Force on the Closure of State Developmental Centers." The task force shall perform a comprehensive evaluation of all of the State developmental centers and provide recommendations for the closing of developmental centers.

3. a. The task force shall be comprised of five members who shall be appointed within 30 days of the effective date of this act, as follows:

(1) three members appointed by the Governor;

(2) one public member appointed by the Governor upon the recommendation of the President of the Senate; and

(3) one public member appointed by the Governor upon the recommendation of the Speaker of the General Assembly.

Vacancies in the membership of the task force shall be filled in the same manner provided for the original appointments.

b. The task force shall organize within 30 days following the appointment of a majority of its members and shall select a chairperson and vice-chairperson from among the members.

c. The members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties and within the limits of funds available to the task force.

d. The task force shall make recommendations by a majority vote of its members.

e. The Department of Human Services shall provide staff support to the task force.

4. The task force shall perform a comprehensive evaluation of the State developmental centers, and set forth recommendations for the closure of developmental centers in the State. The recommendations, which shall be binding

on the Department of Human Services, may provide for the closure of one or more developmental centers. The recommendations for closure of a developmental center shall consider the following criteria in order of importance:

- a. the number of individuals with developmental disabilities residing in a developmental center who want or do not oppose, or if applicable, whose guardians want or do not oppose, community placement and whose interdisciplinary teams have recommended such a placement;
- b. the present capacity of the community to provide or develop specialized services and supports to individuals with developmental disabilities or the time required to allow for the development of the capacity to provide such specialized services;
- c. the operational needs of the Department of Human Services in meeting the range of needs and preferences of all affected individuals served by the Division of Developmental Disabilities in the Department of Human Services;
- d. the economic impact on the community in which the developmental center is located if that center were to close; and
- e. the projected repair and maintenance costs of the developmental center as estimated by the Department of Human Services.

5. No sooner than 90 days but not later than 180 days after the task force organizes, the task force shall submit its closure recommendations, including, if applicable, a targeted date for closure of each developmental center recommended for closure, and make such other recommendations as the task force deems appropriate, to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1).

6. a. If applicable, the Department of Human Services shall close each of the developmental centers recommended by the task force as soon as practicable in accordance with a schedule that takes into account the needs of the residents of any developmental center to be closed and any appropriate operational concerns of the developmental centers and the community services system.

b. Nothing in this act shall limit the commissioner's authority pursuant to R.S.30:1-12 or the discretion to take the actions authorized by sections 1 and 2 of P.L.1996, c.150 (C.30:1-7.3 and C.30:1-7.4), as the commissioner may deem appropriate.

7. This act shall take effect immediately and shall expire upon the submission by the task force of its closure recommendations to the Gover-

nor and the Legislature or 180 days after the task force organizes, whichever is sooner.

Approved December 14, 2011.

CHAPTER 144

AN ACT authorizing State oversight for certain municipalities experiencing fiscal distress, supplementing Title 52 of the Revised Statutes, and making appropriations.

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

C.52:27D-118.42a State oversight of municipalities in the Transitional Aid to Localities program.

1. a. The Director of the Division of Local Government Services in the Department of Community Affairs shall determine conditions, requirements, orders, and oversight for the receipt of any amount of grants, loans, or any combination thereof, provided to any municipality through the Transitional Aid to Localities program or any successor discretionary aid programs for municipalities in fiscal distress. Conditions, requirements, or orders deemed necessary by the director may include, but not be limited to, the implementation of government, administrative, and operational efficiency and oversight measures necessary for the fiscal recovery of the municipality, including but not limited to requiring approval by the director of personnel actions, professional services and related contracts, payment in lieu of tax agreements, acceptance of grants from State, federal or other organizations, and the creation of new or expanded public services.

b. An additional amount not to exceed one percent of the amount appropriated in any State Fiscal Year beginning on or after July 1, 2012 for the Transitional Aid to Localities program or any successor discretionary aid programs for municipalities in fiscal distress shall be appropriated for administrative costs of that program, and for administrative costs associated with the oversight of any municipalities under State supervision pursuant to Article 4 of the "Local Government Supervision Act (1947)," P.L.1947, c.151 (C.52:27BB-54 et seq.), subject to the approval of the Director of the Division of Budget and Accounting in the Department of the Treasury.

2. There is appropriated \$139,000,000 from the General Fund to the Department of Community Affairs for Transitional Aid to Localities to be distributed to municipalities during the current State Fiscal Year, subject to the provisions of subsection a. of section 1 of P.L.2011, c.144 (C.52:27D-118.42a) and P.L.2011, c.85.

3. There is appropriated \$1,500,000 from the General Fund to the Department of Community Affairs for administrative costs of the Transitional Aid to Localities program and for administrative costs associated with the oversight of any municipalities under State supervision pursuant to Article 4 of the "Local Government Supervision Act (1947)," P.L.1947, c.151 (C.52:27BB-54 et seq.), subject to the approval of the Director of the Division of Budget and Accounting in the Department of the Treasury.

4. This act shall take effect immediately.

Approved December 20, 2011.

CHAPTER 145

AN ACT providing for the use of Physician Orders for Life-Sustaining Treatment forms and supplementing Titles 26, 30, and 45 of the Revised Statutes.

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

C.26:2H-129 Short title.

1. Sections 1 through 13 of this act shall be known and may be cited as the "Physician Orders for Life-Sustaining Treatment Act."

C.26:2H-130 Findings, declarations relative to physician orders for life-sustaining treatment (POLST) forms.

2. The Legislature finds and declares that:

a. Pursuant to the "New Jersey Advance Directives for Health Care Act," P.L.1991, c.201 (C.26:2H-53 et seq.), this State has statutorily recognized the right of an adult with decision-making capacity to plan ahead for health care decisions through the execution of advance directives and designate a surrogate decision-maker, and to have the wishes expressed in those documents respected, subject to certain limitations, in order to ensure

that the right to control decisions about one's own health care is not lost if a patient loses decision-making capacity and is no longer able to participate actively in making his own health care decisions;

b. The Physician Orders for Life-Sustaining Treatment, or POLST, form complements an advance directive by converting a person's wishes regarding life-sustaining treatment, such as those set forth in an advance directive, into a medical order;

c. The POLST form: contains immediately actionable, signed medical orders on a standardized form; includes medical orders that address a range of life-sustaining interventions as well as the patient's preferred intensity of treatment for each intervention; is typically a brightly colored, clearly identifiable form; and is recognized and honored across various health care settings;

d. The use of a POLST form is particularly appropriate for persons who have a compromised medical condition or a terminal illness, and the experience in other states has shown that the use of the POLST form helps these patients to have their health care preferences honored by health care providers;

e. The use of POLST forms can overcome many of the problems associated with advance directives, which in many cases are designed simply to name an individual to make health care decisions for the patient if the latter becomes incapacitated or otherwise lack specificity in regard to the patient's health care preferences, and are often locked away in file drawers or safe deposit boxes and unavailable to health care providers when the need arises to ensure that the patient's wishes are followed;

f. A completed POLST form is signed by, and more readily available than an advance directive to, the patient's attending physician or advanced practice nurse, and provides a specific and detailed set of instructions for a health care professional or health care institution to follow in regard to the patient's preference for the use of various medical interventions;

g. To date, at least the following states, or communities within these states, have established programs providing for the use of the POLST form that have been endorsed by the National POLST Paradigm Task Force or are in the process of developing such programs: Alaska, California, Colorado, Florida, Georgia, Hawaii, Idaho, Indiana, Iowa, Kansas, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming; and

h. The right and preference of New Jerseyans to have their health care preferences respected would be better served by the use of the POLST form in this State to augment the use of advance directives, and the enactment of this act will conduce to that end.

C.26:2H-131 Definitions relative to POLST form.

3. As used in sections 1 through 12 of this act:

“Advance directive” means an advance directive for health care as defined in section 3 of P.L.1991, c.201 (C.26:2H-55).

“Advanced practice nurse” or “APN” means a person who is certified as an advanced practice nurse pursuant to P.L.1991, c.377 (C.45:11-45 et seq.).

“Commissioner” means the Commissioner of Health and Senior Services.

“Decision-making capacity” means a patient's ability to understand and appreciate the nature and consequences of a particular health care decision, including the benefits and risks of that decision, and alternatives to any proposed health care, and to reach an informed decision.

“Department” means the Department of Health and Senior Services.

“Emergency care” means the use of resuscitative measures and other immediate treatment provided in response to a sudden, acute, and unanticipated medical crisis in order to avoid injury, impairment, or death.

“Emergency care provider” means an emergency medical technician, paramedic, or member of a first aid, ambulance, or rescue squad.

“Health care decision” means a decision to accept, withdraw, or refuse a treatment, service, or procedure used to diagnose, treat, or care for a person's physical or mental condition, including life-sustaining treatment.

“Health care institution” means a health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), a psychiatric facility as defined in section 2 of P.L.1987, c.116 (C.30:4-27.2), or a State developmental center listed in R.S.30:1-7.

“Health care professional” means a health care professional who is licensed or otherwise authorized to practice a health care profession pursuant to Title 45 or 52 of the Revised Statutes and is currently engaged in that practice.

“Life-sustaining treatment” means the use of any medical device or procedure, artificially provided fluids and nutrition, drugs, surgery, or therapy that uses mechanical or other artificial means to sustain, restore, or supplant a vital bodily function, and thereby increase the expected life span of a patient.

“Patient” means a person who is under the care of a physician or APN.

“Patient’s representative” means an individual who is designated by a patient or otherwise authorized under law to make health care decisions on the patient’s behalf if the patient lacks decision-making capacity.

“Physician” means a person who is licensed to practice medicine and surgery pursuant to chapter 9 of Title 45 of the Revised Statutes.

“Physician Orders for Life-Sustaining Treatment form” or “POLST form” means a standardized printed document that is uniquely identifiable and has a uniform color, which:

- a. is recommended for use on a voluntary basis by patients who have advanced chronic progressive illness or a life expectancy of less than five years, or who otherwise wish to further define their preferences for health care;
- b. does not qualify as an advance directive;
- c. is not valid unless it meets the requirements for a completed POLST form as set forth in this act;
- d. provides a means by which to indicate whether the patient has made an anatomical gift pursuant to P.L.2008, c.50 (C.26:6-77 et al.);
- e. is intended to provide direction to emergency care personnel regarding the use of emergency care, and to a health care professional regarding the use of life-sustaining treatment, with respect to the patient, by indicating the patient’s preference concerning the use of specified interventions and the intensity of treatment for each intervention;
- f. is intended to accompany the patient, and to be honored by all personnel attending the patient, across the full range of possible health care settings, including the patient’s home, a health care institution, or otherwise at the scene of a medical emergency; and
- g. may be modified or revoked at any time by a patient with decision-making capacity or the patient’s representative in accordance with the provisions of section 7 of this act.

“Resuscitative measures” means cardiopulmonary resuscitation provided in the event that a patient suffers a cardiac or respiratory arrest.

C.26:2H-132 Encouragement of public awareness, understanding of POLST form.

4. It shall be the public policy of this State to encourage public awareness and understanding of the Physician Orders for Life-Sustaining Treatment form as a means of enabling patients in this State to indicate their preferences for health care through the use of a completed POLST form as a complementary measure to the use of an advance directive, or in lieu of an advance directive if the patient has not executed such a document, in accordance with the provisions of this act.

C.26:2H-133 Designation of patient safety organization; responsibilities.

5. The Commissioner of Health and Senior Services shall designate a patient safety organization (PSO) operating in this State pursuant to the federal "Patient Safety and Quality Improvement Act of 2005," Pub.L.109-41, to carry out the following responsibilities, by mutual written agreement of the commissioner and that PSO:

- a. prescribe a POLST form and the procedures for completion, modification, and revocation of the form;
- b. seek to promote awareness among health care professionals, emergency care providers, and the general public in this State about the option to complete a POLST form;
- c. provide ongoing training of health care professionals and emergency care providers about the use of the POLST form, in consultation with organizations representing, and educational programs serving, health care professionals and emergency care providers, respectively, in this State;
- d. prescribe additional requirements for the completion of a POLST form that may be applicable in the case of a patient with mental illness or a developmental disability in consultation with organizations that represent persons with mental illness and developmental disabilities, respectively;
- e. provide for ongoing evaluation of the design and use of POLST forms through the use of such data as the PSO determines reasonably necessary for that purpose, subject to the commissioner's written approval; and
- f. seek to minimize any record-keeping burden imposed on a health care institution pursuant to this act and take such actions as are necessary to ensure the confidentiality of any such data furnished to the PSO that may contain patient-specific information.

C.26:2H-134 Treatment of patient in accordance with POLST form.

6. a. A health care professional, health care institution, or emergency care provider shall treat a patient who has a completed POLST form in accordance with the information contained therein, except as otherwise provided in this act.

b. A POLST form shall be deemed to be completed, and therefore valid for the purposes of this act if it:

- (1) contains information indicating a patient's health care preferences;
- (2) has been voluntarily signed by a patient with decision-making capacity, or by the patient's representative in accordance with the patient's known preferences or in the best interests of the patient;
- (3) includes the signature of the patient's attending physician or APN and the date of that signature; and

(4) meets any other requirements to be deemed valid for the purposes of this act.

c. A document executed in another state, which meets the requirements of this act for a POLST form, shall be deemed to be completed and valid for the purposes of this act to the same extent as a POLST form completed in this State.

C.26:2H-135 Modification, supersedure of POLST form.

7. a. If the goals of care of a patient with a completed POLST form change, the patient's attending physician or APN may, after conducting an evaluation of the patient and after obtaining informed consent from the patient or, if the patient has lost decision-making capacity, the patient's representative in accordance with subsection d. of this section, issue a new order that modifies or supersedes the completed POLST form consistent with the most current information available about the patient's health status and goals of care.

b. A patient with decision-making capacity, may, at any time, modify or revoke the patient's completed POLST form or otherwise request alternative treatment to the treatment that was ordered on the form.

c. If the orders in a patient's completed POLST form regarding the use of any intervention specified therein conflict with the patient's more recent verbal or written directive to the patient's attending physician or APN, the physician or APN shall honor the more recent directive from the patient in accordance with the provisions of subsection e. of this section.

d. The POLST form shall provide the patient with the choice to authorize the patient's representative to revoke or modify the patient's completed POLST form if the patient loses decision-making capacity. If the patient so authorizes the patient's representative, the patient's representative may, at any time after the patient loses decision-making capacity and after consultation with the patient's attending physician or APN, request the physician or APN to modify or revoke the completed POLST form, or otherwise request alternative treatment to the treatment that was ordered on the form, as the patient's representative deems necessary to reflect the patient's health status or goals of care. If the patient does not authorize the patient's representative to revoke or modify the patient's completed POLST form, the patient's representative may not revoke or modify the patient's completed POLST form.

e. A verbal or written request by a patient or the patient's representative to modify or revoke a patient's completed POLST form, in accordance with the provisions of this section, shall be effectuated once the patient's

attending physician or APN has signed the POLST form attesting to that request for modification or revocation.

C.26:2H-136 Procedure in event of disagreement.

8. a. In the event of a disagreement among the patient, the patient's representative, and the patient's attending physician or APN concerning the patient's decision-making capacity or the appropriate interpretation and application of the terms of a completed POLST form to the patient's course of treatment, the parties:

(1) may seek to resolve the disagreement by means of procedures and practices established by the health care institution, including, but not limited to, consultation with an institutional ethics committee, or with a person designated by the health care institution for this purpose; or

(2) may seek resolution by a court of competent jurisdiction.

b. A health care professional involved in the patient's care, other than the attending physician or APN, or an administrator of a health care institution may also seek to resolve a disagreement concerning the patient's decision-making capacity or the appropriate interpretation and application of the terms of a completed POLST form to the patient's course of treatment in the same manner as set forth in subsection a. of this section.

C.26:2H-137 Construction of act.

9. Nothing in this act shall be construed to:

a. abridge a patient's right to refuse treatment under either the United States Constitution or the Constitution of the State of New Jersey;

b. impair the obligations of a health care professional to provide for the care and comfort of the patient and to alleviate pain, in accordance with accepted medical and nursing standards;

c. impair the legal validity of a written order not to attempt cardiopulmonary resuscitation on a patient in the event that the patient suffers a cardiac or respiratory arrest, which is not part of a completed POLST form, if the order was signed by a physician prior to or after the effective date of this act and would be deemed valid under State law or regulation in effect prior to the date of enactment of this act;

d. require a health care professional, health care institution, or emergency care provider to participate in the beginning, continuing, withholding, or withdrawing of health care in a manner contrary to law or accepted medical standards;

e. require a private, religiously-affiliated health care institution to participate in the withholding or withdrawing of specified measures utilized to

sustain life in a manner contrary to any of its written institutional policies and practices, except that the health care institution shall, with respect to a patient with a completed POLST form:

(1) properly communicate its institutional policies and practices to the patient, or to the patient's representative as applicable, prior to or upon the patient's admission, or as soon after admission as is practicable; and

(2) if its institutional policies and practices appear to conflict with the patient's legal rights, attempt to resolve the conflict and, if a mutually satisfactory accommodation cannot be reached, take all reasonable steps to effect the appropriate, timely, and respectful transfer of the patient to the care of another health care institution appropriate to the patient's needs, and assure that the patient is not abandoned or treated disrespectfully; or

f. revoke, restrict, or otherwise alter a patient's documented designation as a donor pursuant to P.L.2008, c.50 (C.26:6-77 et al.).

C.26:2H-138 Immunity from liability.

10. a. A patient's representative shall not be subject to criminal or civil liability for any action taken by that individual to carry out the terms of a completed POLST form that is performed in good faith and in accordance with the provisions of this act.

b. A health care professional shall not be subject to criminal or civil liability or to discipline by a health care institution or the applicable State licensing board for professional misconduct for any action taken by the health care professional to carry out the terms of a completed POLST form that is performed in good faith and in accordance with the provisions of this act.

c. A health care institution shall not be subject to criminal or civil liability for any action taken by the institution to carry out the terms of a completed POLST form that is performed in good faith and in accordance with the provisions of this act.

d. An emergency care provider shall not be subject to criminal or civil liability or to discipline by a health care institution or any other entity for professional misconduct for any action taken by the provider to carry out the terms of a completed POLST form that is performed in good faith and in accordance with the provisions of this act.

e. The withholding or withdrawing of life-sustaining treatment pursuant to a completed POLST form, when performed in good faith and in accordance with the terms of that form and the provisions of this act, shall not constitute homicide, suicide, assisted suicide, or active euthanasia.

C.26:2H-139 Intentional failure to act, penalties, degree of crime.

11. a. A health care professional who intentionally fails to act in accordance with the requirements of this act is subject to discipline for professional misconduct pursuant to section 8 of P.L.1978, c.73 (C.45:1-21).

b. A health care institution that intentionally fails to act in accordance with the requirements of this act shall be liable to a civil penalty of not more than \$1,000 for each offense. For the purposes of this subsection, each violation shall constitute a separate offense. The civil penalty shall be collected in a summary proceeding, brought in the name of the State in a court of competent jurisdiction pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

c. An emergency care provider subject to regulation by the Department of Health and Senior Services who intentionally fails to act in accordance with the requirements of this act is subject to such disciplinary measures as the commissioner deems necessary and within his statutory authority to impose.

d. A person who commits any of the following acts is guilty of a crime of the fourth degree:

(1) willfully concealing, canceling, defacing, obliterating, or withholding personal knowledge of a completed POLST form or a modification or revocation thereof, without the patient's consent;

(2) falsifying or forging a completed POLST form or a modification or revocation thereof of another person;

(3) coercing or fraudulently inducing the completion of a POLST form or a modification or revocation thereof; or

(4) requiring or prohibiting the completion of a POLST form or a modification or revocation thereof as a condition of coverage under any policy of health or life insurance or an annuity, or a public benefits program, or as a condition of the provision of health care.

e. The commission of an act identified in paragraph (1), (2), or (3) of subsection d. of this section, which results in the involuntary earlier death of a patient, shall constitute a crime of the first degree.

f. The provisions of this section shall not be construed to repeal any sanctions applicable under any other law.

C.26:2H-140 Ensurance of compliance.

12. The commissioner may take such actions to ensure compliance with the provisions of sections 1 through 11 of this act by the patient safety organization designated pursuant to section 5 of this act, by any health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), and by

any emergency care provider subject to regulation by the department, as the commissioner deems necessary and within his statutory authority to effectuate the purposes of this act.

C.30:4-7.10 Actions to ensure compliance.

13. The Commissioner of Human Services may take such actions to ensure compliance with the provisions of sections 1 through 11 of P.L.2011, c.145 (C.26:2H-129 et seq.) by any State or county psychiatric facility or State developmental center as the commissioner deems necessary and within his statutory authority to effectuate the purposes of that act.

C.45:9-7.7 Continuing medical education for physicians; rules, regulations.

14. a. 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, as a condition of biennial registration pursuant to section 1 of P.L.1971, c.236 (C.45:9-6.1), include two credits of educational programs or topics related to end-of-life care, subject to the provisions of section 10 of P.L.2001, c.307 (C.45:9-7.1), including, but not limited to, its authority to waive the provisions of this section for a specific individual if the board deems it appropriate to do so.

b. The State Board of Medical Examiners, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt such rules and regulations as are necessary to effectuate the purposes of this section.

C.45:11-47.1 Educational requirements for APN; rules, regulations.

15. a. The New Jersey State Board of Nursing shall require that a person certified as an advanced practice nurse pursuant to P.L.1991, c.377 (C.45:11-45 et seq.), as a condition of such continued certification, complete two credits of educational programs or topics related to end-of-life care as part of the total number of continuing education credits required by the board; except that the board may waive the provisions of this section for a specific individual if the board deems it appropriate to do so.

b. The New Jersey State Board of Nursing, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt such rules and regulations as are necessary to effectuate the purposes of this section.

16. a. Sections 1 through 13 of this act shall take effect on the first day of the seventh month after the date of enactment.

b. Sections 14 and 15 of this act shall take effect on the first day of the 13th month after the date of enactment, but the State Board of Medical Examiners and the New Jersey State Board of Nursing may take such an-

ticipatory administrative action in advance thereof as shall be necessary for the implementation of those sections, respectively.

Approved December 20, 2011.

CHAPTER 146

AN ACT concerning certain mortgage foreclosure consultant practices, amending P.L.2005, c.199 and supplementing Title 46 of the Revised Statutes.

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

C.46:10B-53 Short title.

1. This act shall be known and may be cited as the "Foreclosure Rescue Fraud Prevention Act."

C.46:10B-54 Definitions relative to certain mortgage foreclosure consultant practices.

2. As used in this act:

"Business day" means any day other than a Saturday, Sunday, or a federal holiday.

"Conventional mortgage rate" means the highest mortgage rate published for the relevant loan product on the website of any generally accepted industry provider of such information, applicable to the week preceding the transaction.

"Distressed property" means residential real property consisting of from one to four dwelling units, at least one of which is occupied by the owner as a primary residence, and which is the subject of a mortgage foreclosure proceeding or whose owner is more than 90 days delinquent on any loan that is secured by the property.

"Distressed property purchaser" means a person who acquires an interest in a distressed property through a distressed property conditional conveyance or a distressed property conveyance, or a person who participates in a joint venture or joint enterprise involving a distressed property conditional conveyance or a distressed property conveyance. The term "distressed property purchaser" does not mean a federally insured financial institution or a person who acquires distressed property through a deed in lieu of foreclosure or a person acting in participation with any person who ac-

quires distressed property through a deed in lieu of foreclosure, provided that person does not promise to convey an interest in fee back to the owner or does not give the owner an option to purchase the property at a later date.

"Distressed property conditional conveyance" means a transaction involving any participation by, or any distressed property service or other service or other assistance provided by, a foreclosure consultant in which an owner transfers an interest in fee, or a beneficial interest created through a trust document, in the distressed property; the acquirer of the property allows the owner to occupy the property; and the acquirer of the property or a person acting in participation with the acquirer of the property conveys or promises to convey an interest in fee back to the owner or gives the owner an option to purchase the property at a later date.

"Distressed property conveyance" means a transaction involving any participation by, or any distressed property service or other service or other assistance provided by, a foreclosure consultant in which an owner transfers an interest in fee in a distressed property.

"Distressed property relief" or "relief" means, in connection with a foreclosure consultant, any of the following:

- (1) saving the owner's property from foreclosure;
- (2) postponing the foreclosure sale;
- (3) obtaining a forbearance from the mortgagee;
- (4) securing the right to exercise the right to reinstatement;
- (5) obtaining an extension of the period within which the owner may reinstate his or her mortgage obligation;
- (6) obtaining a waiver of an acceleration clause;
- (7) obtaining a modification of a mortgage;
- (8) assisting the owner in obtaining a loan or advance of funds; or
- (9) avoiding the impairment of the owner's credit.

"Distressed property service" or "service" means, without limitation, in connection with a distressed property conditional conveyance or a distressed property conveyance, any of the following:

- (1) debt, budget, or financial counseling of any type;
- (2) receiving money for the purpose of distributing it to creditors in payment or partial payment of any obligation secured by a mortgage or other lien on a distressed property;
- (3) contacting creditors on behalf of an owner;
- (4) arranging or attempting to arrange for an extension of the period within which the owner may cure the owner's default and reinstate a debt obligation;

(5) arranging or attempting to arrange for a delay or postponement of the time of sale of the distressed property;

(6) advising with respect to the filing of any document or assisting in any manner in the preparation of any document for filing with any court; or

(7) giving advice, explanation, or instruction to an owner that in any manner relates to the cure of a default or forfeiture or to the postponement or avoidance of a sale of the distressed property.

"Foreclosure consultant": (1) means any person, located out-of-State or within the State, who, directly or indirectly, for compensation from an owner, makes any solicitation, representation, or offer to perform, or who performs, any distressed property service that the person represents will in any manner do any of the following in relation to the owner's distressed property:

(a) prevent or postpone the foreclosure sale of the property;

(b) obtain any forbearance from any mortgagee;

(c) assist the owner in exercising any right of reinstatement or right of redemption;

(d) obtain any extension of the period within which the owner may reinstate the owner's rights with respect to the property;

(e) obtain any waiver of an acceleration clause contained in any promissory note, contract, or mortgage evidencing or securing a debt in relation to the property;

(f) assist the owner in obtaining a loan or advance of funds to pay off the promissory note, contract, or mortgage evidencing or securing a debt in relation to the property; or

(g) avoid or ameliorate the impairment of the owner's credit resulting from default on the promissory note, contract, or mortgage, or the conduct of a foreclosure sale or offer to repair the owner's credit.

(2) shall not include any of the following:

(a) a housing counseling agency contracted by the United States Department of Housing and Urban Development to provide counseling;

(b) a person who holds or is owed an obligation secured by a lien on any distressed property in situations in which the person performs services in connection with the obligation or lien, provided the obligation or lien did not arise as the result of, or as part of, a proposed distressed property conditional conveyance or a distressed property conveyance;

(c) a person licensed to practice law in this State while acting under the authority of that license;

(d) a nonprofit, charitable entity qualified pursuant to section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. s.501(c)(3)), which is licensed pursuant to P.L.1979, c.16 (C.17:16G-1 et seq.);

- (e) a municipality which has a tax lien on distressed property;
- (f) an assignee or a purchaser of a municipal tax lien from a tax sale;
- (g) a sponsor which is certified by the Commissioner of Community Affairs to participate in the "New Jersey Housing Assistance and Recovery Program" established pursuant to sections 8 through 14 of P.L.2008, c.127 (C.55:14K-88 et seq.);
- (h) a bank, savings bank, savings and loan association, credit union, or other federally insured financial institution, or insurance company, or affiliate or subsidiary thereof, organized, chartered, licensed, or holding a certificate of authority to do business under the laws of this State or any other state or under the laws of the United States;
- (i) a person licensed as a real estate broker, broker-salesperson, or salesperson pursuant to R.S.45:15-1 et seq., while acting under the authority of that license;
- (j) a person licensed as a title insurance producer pursuant to the "New Jersey Insurance Producer Licensing Act of 2001," P.L.2001, c.210 (C.17:22A-26 et seq.) while acting under the authority of that license or conducting the business of title insurance pursuant to P.L.1975, c.106 (C.17:46B-1 et seq.);
- (k) a mediator licensed pursuant to the Judiciary's Foreclosure Mediation Program; or
- (l) a person licensed pursuant to the "New Jersey Residential Mortgage Lending Act," P.L.2009, c.53 (C.17:11C-51 et seq.), while acting under the authority of that license.

"Owner" means an owner of record of title to a distressed property.

"Owner's current verified monthly income" means the monthly average of the owner's most recent six months of wage receipts or pay stubs or if the owner has non-wage income by a verified statement of profit and loss or income from a certified public accountant who has reviewed the owner's income.

"Reasonable ability to pay" means that the owner's current verified monthly income is adequate to service a 30-year fixed rate loan at the conventional mortgage rate together with actual property taxes, homeowner's insurance, condominium or association fees, if applicable, and reasonable and necessary living expenses.

"Reasonable and necessary living expenses" means not less than the average utility costs over the last twelve months, or if that figure is unavailable \$200, and transportation, food, clothing, and other expenses equal to an amount not less than the Collection Financial Standards set forth by the Internal Revenue Service for transportation, food, clothing, and other items and out-of-pocket health care costs.

“Residual income” means an owner’s net income available to meet living expenses after the payment of all ordinary and necessary debt, including payments under an option to purchase back the owner’s property transferred in a distressed property conditional conveyance.

C.46:10B-55 Requirements for licensure of foreclosure consultant.

3. a. A foreclosure consultant shall not conduct any business in this State until the foreclosure consultant:

(1) (a) Obtains a license from the Commissioner of Banking and Insurance by filing an application form to be prescribed by the commissioner by regulation. As to licensure by a business entity, the application shall be accompanied by documentation establishing the business entity, including incorporation documents, if the entity is incorporated.

(b) The application shall be accompanied by a reasonable fee, as established by the commissioner by regulation.

(c) A person required to be licensed under this act shall file an amendment to their application within 20 days after any change in the information required to be included in the application.

(d) Licenses issued pursuant to this section shall expire biennially and may be renewed upon submission of a renewal application to the department;

(2) obtains a bond from a surety company authorized to do business in the State in a form and an amount to be prescribed by the commissioner by regulation, files the bond with the commissioner, and obtains written approval of the bond from the commissioner;

(3) submits to the commissioner the name, address, fingerprints and written consent for a criminal history record background check to be performed on any officer, director, partner or owner of a controlling interest, or any employee engaged in mortgage foreclosure consulting activities, of the foreclosure consultant. The commissioner is authorized to exchange fingerprint data with and receive criminal history record information from the State Bureau of Identification in the Division of State Police and the Federal Bureau of Investigation consistent with applicable State and federal laws, rules and regulations. This information shall be collected for the purposes of facilitating determinations concerning licensure eligibility for the foreclosure consultant, based upon any findings related to an employee engaged in mortgage foreclosure consultant activities, officer, director, partner or owner. The applicant shall bear the cost for the criminal history record background check, including all costs of administering and processing the check. The Division of State Police shall promptly notify the commissioner in the event an employee engaged in mortgage foreclosure consultant ac-

tivities, officer, director, partner or owner of the foreclosure consultant, who was the subject of a criminal history record background check pursuant to this section, is arrested for a crime or offense in this State after the date the background check was performed, whether the foreclosure consultant is a prospective new applicant, or subsequently, a current licensee; and

(4) provides the name and street address of an agent in the State of New Jersey for service of process.

b. The commissioner may refuse to issue or renew, and may revoke, any license:

(1) for failure to comply with, or violation of, the provisions of this act or for any other good cause shown within the meaning and purpose of this act. A refusal or revocation shall not be made except upon reasonable notice to, and opportunity to be heard by, the applicant or licensee; or

(2) upon proof that the applicant or licensee has been convicted of any crime of moral turpitude or any crime relating adversely to the activity regulated by this act. For purposes of this subsection, a plea of guilty, non vult, nolo contendere or any other such disposition of alleged criminal activity shall be deemed a conviction.

c. A person who is licensed as a foreclosure consultant pursuant to this act shall not be subject to the provisions of P.L.1979, c.16 (C.17:16G-1 et seq.) while acting under the authority of this act.

d. A person shall not present himself to the public as a licensed foreclosure consultant or use the designation "foreclosure consultant," "foreclosure consultant specialist," or similar designation without obtaining a license pursuant to this act.

C.46:10B-56 Foreclosure consultant contract.

4. a. A foreclosure consultant contract shall be written in plain language and shall fully disclose the exact nature of the foreclosure consultant's services to be performed, the foreclosure consultant's representations, the distressed property relief to be secured, and the total amount and terms of compensation.

b. The following notice, printed in at least 14-point boldface type, if the contract is printed, or in capital letters, if the contract is typed, and completed with the name of the foreclosure consultant, shall be printed immediately above the statement required by subsection c. of this section:

"NOTICE REQUIRED BY NEW JERSEY LAW

.....(Name) or anyone working for him or her CAN-
NOT:

(1) Take any money from you or ask you for money until (Name) has completely finished doing everything he or she said would be done; or

(2) Ask you to sign or have you sign any lien, mortgage, or deed unless all provisions of the "Foreclosure Rescue Fraud Prevention Act," P.L.2011, c.146 (C.46:10B-53 et al.), and any other applicable federal and State laws have been complied with.

(3) Guarantee that they will be able to refinance a loan on your home or arrange for you to keep your home."

c. A foreclosure consultant contract shall be written in the same language as principally used by the foreclosure consultant to describe the consultant's services to be performed and the distressed property relief to be secured for the owner, shall be dated and signed by the owner, and shall contain in immediate proximity to the space reserved for the owner's signature a conspicuous statement in 14-point boldface type, if the contract is printed, or in capital letters, if the contract is typed, as follows:

"You, the owner, may cancel this transaction at any time until after the foreclosure consultant has fully performed every service the foreclosure consultant contracted to perform and has secured the distressed property relief for the owner. See the attached notice of cancellation form for an explanation of this right."

d. A foreclosure consultant contract shall contain on the first page, in a type size no smaller than that generally used in the body of the document, each of the following:

(1) the name and address of the foreclosure consultant to which the notice of cancellation is to be mailed; and

(2) the date the owner signed the contract.

e. A foreclosure consultant contract shall be accompanied by a completed form, captioned "NOTICE OF CANCELLATION" which shall be attached to the contract and easily detachable, and shall contain, in at least 14-point boldface type, if the contract is printed, or in capital letters, if the contract is typed, the following statement written in the same language as used in the contract:

"NOTICE OF CANCELLATION

.....
(Enter date of transaction)

You may cancel this transaction, without any penalty or obligation, at any time until after the foreclosure consultant has fully performed every service and has secured the relief for the owner.

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice, or any other written notice to:

..... (Name of foreclosure consultant) at
 (Address of foreclosure consultant's
 place of business)

I hereby cancel this transaction on (Date)
 (Owner's signature)."

f. The foreclosure consultant shall provide the owner with a copy of a foreclosure consultant contract and the attached notice of cancellation in duplicate immediately upon execution of the contract.

g. The foreclosure consultant shall record the contract with the county clerk in the county in which the distressed property is located, within 10 business days of its execution.

C.46:10B-57 Additional legal rights of owner.

5. a. In addition to any other legal right to rescind a foreclosure consultant contract, an owner has the right to cancel a foreclosure consultant contract at any time until after the foreclosure consultant has fully performed every service the foreclosure consultant contracted to perform and has secured the relief for the owner.

b. Cancellation occurs when the owner delivers by any means, written notice of cancellation to the foreclosure consultant at the address specified in the foreclosure consultant contract. A notice of cancellation, if given by mail, is effective when deposited in the mail properly addressed with postage prepaid. A notice of cancellation sent by certified mail, return receipt requested, to the address specified in the foreclosure consultant contract, shall be conclusive proof of notice of cancellation.

c. A notice of cancellation given by the owner need not take the particular form as provided with the foreclosure consultant contract and, however expressed, is effective if it indicates the intention of the owner not to be bound by the contract.

C.46:10B-58 Violations relative to foreclosure consultants.

6. It is a violation of this act for a foreclosure consultant to:

a. claim, demand, charge, collect, or receive any compensation until after the foreclosure consultant has fully performed every distressed property service the foreclosure consultant contracted to perform and has secured the distressed property relief for the owner;

b. claim, demand, charge, collect, or receive any fee, interest, or any other compensation for any reason, in excess of two monthly mortgage

payments of principal and interest, or the most recent quarterly property tax installment on the distressed property, whichever is less;

c. take a wage assignment, a lien of any type on real or personal property, or other security to secure the payment of compensation. Any agreement to take such security is void and unenforceable;

d. receive any consideration from any third party in connection with distressed property services rendered to an owner;

e. acquire any interest, directly or indirectly, or by means of a subsidiary or affiliate in a distressed property from an owner with whom the foreclosure consultant has contracted;

f. accept any power of attorney from an owner for any purpose, except to inspect documents as provided by law; or

g. induce or attempt to induce an owner to enter a contract that does not comply in all respects with sections 4 and 5 of this act.

C.46:10B-59 Waiver void, unenforceable.

7. a. Any waiver by an owner of the provisions of section 4, 5, or 6 of this act is void and unenforceable as contrary to public policy.

b. Any attempt by a foreclosure consultant to induce an owner to waive the owner's rights is a violation of this act.

C.46:10B-60 Written contract required for conveyance of distressed property.

8. a. A distressed property purchaser who enters into a distressed property conditional conveyance or a distressed property conveyance shall do so in the form of a written contract. A distressed property conditional conveyance contract and a distressed property conveyance contract shall be written in at least 14-point boldface type, in the same language principally used by the owner to negotiate the sale of the distressed property, shall be fully completed, signed, and dated by the owner and the distressed property purchaser, and shall be witnessed and acknowledged by a notary public, before the owner executes a deed or any other instrument of conveyance of the distressed property.

b. A distressed property conditional conveyance contract and a distressed property conveyance contract shall contain the entire agreement of the parties, be fully assignable, and survive delivery of any deed or any other instrument of conveyance of the distressed property.

c. A distressed property conditional conveyance contract and a distressed property conveyance contract shall include the following terms, except that a distressed property conveyance contract shall not be required to contain the terms set forth in paragraph (5):

- (1) the name, business address, and telephone number of the distressed property purchaser;
- (2) the address of the distressed property;
- (3) the total consideration to be given by the distressed property purchaser in connection with or incident to the transaction;
- (4) a complete description of the terms of payment or other consideration including, but not limited to, any distressed property services of any nature that the distressed property purchaser represents will be performed for the owner before or after the transaction;
- (5) a complete description of the terms of any related agreement designed to allow the owner to remain in the dwelling including, but not limited to, a lease agreement, repurchase agreement, contract for deed, or a lease agreement with an option to purchase;
- (6) a notice of cancellation as provided in this section;
- (7) the following notice in at least 14-point boldface type, if the contract is printed, or in capital letters, if the contract is typed, and completed with the name of the distressed property purchaser immediately above the statement required by this section:

"NOTICE REQUIRED BY NEW JERSEY LAW

Until your right to cancel this contract has ended, ...
(Name) or anyone working for (Name) CANNOT ask you to sign or have you sign any deed or any other document. You are urged to have this contract reviewed by an attorney of your choice within 10 business days of signing it."; and

- (8) if title to the distressed property will be transferred in the transaction, the following notice in at least 14-point boldface type, if the contract is printed, or in capital letters, if the contract is typed, and completed with the name of the distressed property purchaser immediately above the statement required by this section:

"NOTICE REQUIRED BY NEW JERSEY LAW

As part of this transaction, you are giving up title to your home."

C.46:10B-61 Additional right of rescission, cancellation of contract.

9. a. In addition to any other right of rescission provided by applicable State or federal laws, the owner has the right to cancel a distressed property conditional conveyance contract or a distressed property conveyance contract with a distressed property purchaser until midnight of the 10th business day following the day on which the owner signs the contract, or until

the conclusion of a sheriff's sale pursuant to the provisions of the "Fair Foreclosure Act," P.L.1995, c.244 (C.2A:50-53 et seq.), whichever occurs first, during which the owner may have an attorney review the contract.

b. Cancellation of the contract occurs when the owner, or an attorney representing the owner, delivers, by any means, written notice of cancellation to the address specified in the contract. Notice of cancellation, if given by mail, is effective when deposited in the mail properly addressed with postage prepaid. Notice by certified mail, return receipt requested, to the address specified in the contract, shall be conclusive proof of notice of cancellation.

c. A notice of cancellation given by the owner, or an attorney representing the owner, need not take the particular form as provided with the contract, and however expressed, is effective if it indicates the intention of the owner not to be bound by the contract.

d. Within 10 business days following receipt of a notice of cancellation delivered in accordance with this section, the distressed property purchaser shall return to the owner, without condition, any original contract and any other documents signed by the owner.

e. The 10 business days during which the owner, or an attorney representing the owner, may cancel the contract shall not begin to run until all parties to the contract have executed the contract and the distressed property purchaser has complied with all the requirements of this section.

C.46:10B-62 Option of cancellation statement in contract.

10. a. A distressed property conditional conveyance contract and a distressed property conveyance contract with a distressed property purchaser shall contain in immediate proximity to the space reserved for the owner's signature a conspicuous statement in a size equal to at least 14-point boldface type, if the contract is printed, or in capital letters, if the contract is typed, as follows:

"You may cancel this contract for the conveyance of your house, without any penalty or obligation, at any time before
(Date and time of day). See the attached notice of cancellation form for an explanation of this right."

The distressed property purchaser shall accurately enter the date and time of day on which the cancellation right ends.

b. A contract with a distressed property purchaser shall be accompanied by a completed form in duplicate, captioned "NOTICE OF CANCELLATION" in a size equal to a 14-point boldface type, if the contract is printed, or in capital letters, if the contract is typed, followed by a space in which the distressed property purchaser shall enter the date on which the owner executes any contract. This form shall be attached to the contract,

shall be easily detachable, and shall contain in at least 14-point type, if the contract is printed, or in capital letters, if the contract is typed, the following statement written in the same language as used in the contract:

"NOTICE OF CANCELLATION

.....
(Enter date contract signed)

You may cancel this contract for the conveyance of your home, without any penalty or obligation, at any time before (enter date and time of day). To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice to (Name of purchaser) at (Street address of purchaser's place of business) NOT LATER THAN (Enter date and time of day).

I hereby cancel this transaction on (Date)
..... (Owner's signature)."

c. The distressed property purchaser shall provide the owner with a copy of the contract and the attached notice of cancellation in duplicate at the time the contract is executed by all parties.

d. The distressed property purchaser shall record the contract and the attached notice of cancellation with the county clerk in the county in which the distressed property is located within 10 business days of the signing of the contract by both parties.

C.46:10B-63 Prohibited actions of distressed property purchaser.

11. a. A distressed property purchaser, in the course of a distressed property conditional conveyance, shall not:

(1) enter into, or attempt to enter into, a distressed property conditional conveyance unless the distressed property purchaser verifies and can demonstrate that the owner has a reasonable ability to pay for the subsequent conveyance of a fee interest back to the owner under the terms of any option to purchase and a reasonable ability to make monthly or any other required payments due prior to the subsequent conveyance;

(2) fail to make a payment to the owner at the time the title to the distressed property is conveyed from the owner to the distressed property purchaser, or, if the distressed property purchaser acquires a beneficial interest through a trust, at the time of the creation of the trust, so that the owner has received consideration in an amount of at least 82% of the property's fair market value, or, in the alternative, fail to make a payment to the owner, in situations in which the owner is unable to purchase the distressed property

from the distressed property owner at the time of the expiration of the owner's option to purchase, so that the owner has received consideration in an amount of at least 82% of the property's fair market value;

(3) enter into an option to purchase or lease as part of a distressed property conditional conveyance containing terms that are unfair or commercially unreasonable, or engage in any other unfair conduct;

(4) represent, directly or indirectly, that the distressed property purchaser is acting as an advisor or a consultant, or in any other manner represent that the distressed property purchaser is acting on behalf of the homeowner;

(5) misrepresent the distressed property purchaser's status as to licensure or certification;

(6) do any of the following until after the time during which the owner may cancel the transaction:

(a) accept from the owner an execution of a deed or any other instrument of conveyance of any interest in the distressed property;

(b) induce the owner to execute a deed or any other instrument of conveyance of any interest in the distressed property; or

(c) record with the county recorder of deeds any document signed by the owner, including but not limited to a deed or any other instrument of conveyance;

(7) fail to convey title to the distressed property to the owner under an option to purchase provided for in the distressed property conveyance contract, in situations in which the terms of the conveyance contract have been fulfilled;

(8) enter into a distressed property conditional conveyance if any party to the transaction is represented by way of a power of attorney;

(9) fail to extinguish all liens encumbering the distressed property, immediately following the conveyance of the distressed property, or fail to assume all liability with respect to the lien in foreclosure and prior liens that will not be extinguished by the foreclosure, which assumption shall be accomplished without violations of the terms and conditions of the lien being assumed;

(10) cause the property to be conveyed or encumbered without the knowledge or permission of the owner, or in any way frustrate the ability of the owner to complete the conveyance back to the owner;

(11) fail to have all documents executed as part of a distressed property conditional conveyance also signed by a notary public licensed in the State who is unrelated in any way to the distressed property purchaser or any participant in the distressed property conveyance;

(12) fail to complete a distressed property conditional conveyance in the office of a title insurance producer licensed pursuant to the "New Jersey

Insurance Producer Licensing Act of 2001,” P.L.2001, c.210 (C.17:22A-26 et seq.), or in the office of an attorney licensed to practice law in this State;

(13) fail to provide to the owner, prior to the time of completion of a distressed property conditional conveyance, a disclosure statement in a form to be designed and prescribed by regulation by the Commissioner of Banking and Insurance, which statement shall require disclosure to the owner of all costs that the owner will incur in connection with the conveyance and any option for the owner to purchase the property, including a schedule of monthly and annual payments, closing costs, and any additional costs and fees related to the conveyance;

(14) claim, demand, charge, collect, or receive any fee, interest, or any other compensation for any reason from an owner, for services or as consideration for offering or providing any option to purchase to the owner or for otherwise participating in the conveyance transaction, in excess of 3.5% of the purchase price;

(15) in situations in which the distressed property conditional conveyance involves a transfer of an interest in fee from an owner to a distressed property purchaser, fail to record the deed to the purchaser in the county clerk’s office in which the property is located, or fail to include a statement on the recorded deed that the deed was obtained through a transaction governed by the “Foreclosure Rescue Fraud Prevention Act”;

(16) fail to notify in writing all existing mortgage lien holders of the distressed property purchaser’s intent to accept conveyance of an interest in the property from the owner;

(17) fail to fully comply with all terms and conditions contained in the mortgage lien documents, including but not limited to due-on-sale provisions;

(18) fail to satisfy all qualification requirements for assuming the repayment of mortgage; and

(19) enter into an option to purchase or lease as part of a distressed property conditional conveyance in which the agreement fails to provide for a length of time of at least three years within which the owner may exercise his right to purchase back the property.

b. For purposes of paragraph (1) of subsection a. of this section, an evaluation of "reasonable ability to pay" shall include the owner’s debt to income ratio, the owner’s residual income, the fair market value of the distressed property, and the owner’s credit history. There shall be a rebuttable presumption that the distressed property purchaser has not verified reasonable payment ability if the distressed property purchaser has not obtained documents of assets, liabilities, and income, other than a statement by the owner.

c. For purposes of paragraph (2) of subsection a. of this section: (1) an appraisal at the time that the distressed property is conveyed by a person licensed or certified by an agency of this State or the federal government shall create a rebuttable presumption that the appraisal is an accurate determination of the fair market value of the property; and (2) "consideration" means any payment or thing of value provided to the owner, including reasonable costs paid to independent third parties necessary to complete the distressed property conveyance or payment of money to satisfy a debt or legal obligation of the owner. "Consideration" shall not include amounts imputed as a down payment or fee to the distressed property purchaser, or a person acting in participation with the distressed property purchaser.

d. If an owner fails to make a required payment or otherwise defaults under a distressed property conditional conveyance contract which contains an owner's option to purchase or a promise to convey an interest in fee back to the owner, the distressed property purchaser shall only enforce the forfeiture of the owner's interest under the contract as follows:

(1) for purposes of the "Fair Foreclosure Act," P.L.1995, c.244 (C.2A:50-53 et seq.), the distressed property conditional conveyance contract shall be deemed to be a residential mortgage, the distressed property purchaser shall be deemed to be a lender, and the owner shall be deemed to be a debtor; and

(2) the distressed property purchaser may bring an action to enforce the forfeiture of the owner's interest in the property and for recovery of possession of the property by use of the procedures for foreclosure and judicial sale of residential real property available to lenders pursuant to the provisions of the "Fair Foreclosure Act."

e. With respect to the amount of any fee or other consideration provided by an owner to a distressed property purchaser at the time of the execution of an option to purchase, as part of any distressed property conditional conveyance, and as consideration for that agreement:

(1) the entire fee or other consideration shall be provided by the owner at the time of the execution of the option to purchase or lease agreement;

(2) the distressed property purchaser may declare some or all of the fee or other consideration to be non-refundable, regardless of whether the owner exercises his right to purchase back the property from the distressed property purchaser pursuant to the option to purchase or lease agreement, or declare that some or all of the fee or other consideration shall be applied as credit toward the purchase of the property, if the owner does exercise his right to purchase back the property, so long as this declaration is agreed to by the owner and expressly stated in the agreement; and

(3) the fee or other consideration provided to the distressed property purchaser shall not constitute an equitable ownership interest in the property.

f. With respect to any money provided by the owner to the distressed property purchaser pursuant to any distressed property conditional conveyance, remitted as a monthly credit towards the purchase of the property in excess of any monthly rental obligation established pursuant to any agreement designed to allow the owner to remain in the property, including, but not limited to, a lease agreement between the parties:

(1) the distressed property purchaser may declare some or all of the money to be non-refundable, if the owner does not exercise his right to purchase back the property from the distressed property purchaser pursuant to the option to purchase or lease agreement, so long as this declaration is agreed to by the owner and expressly stated in the agreement;

(2) the money provided to the distressed property purchaser shall not constitute an equitable ownership interest in the property; and

(3) the money shall continue to be the property of the owner and shall be held in trust by the distressed property purchaser for use as a credit towards the purchase of the property, subject to any agreement pursuant to paragraph (1) of this subsection.

g. If the owner exercises his right to purchase back the property from the distressed property purchaser pursuant to the option to purchase agreement: (1) any amount still owed toward the purchase price or other consideration on the property, as set forth in the agreement, following the application of any fee, money, or other consideration agreed to be applied towards the purchase by the distressed property purchaser as credit towards the purchase, shall be the sole responsibility of the owner; and (2) a new deed for the property shall be executed by the distressed property purchaser and filed with the office of the county clerk in the county in which the property resides.

C.46:10B-64 Requirements for distressed property purchaser.

12. A distressed property purchaser, in the course of a distressed property conveyance, shall not fail to:

a. make a payment to the owner at the time the title to the distressed property is conveyed from the owner to the distressed property purchaser, so that the owner has received consideration, as defined by paragraph (2) of subsection c. of section 11 of this act, in an amount of at least 82% of the property's fair market value;

b. have all documents executed as part of a distressed property conveyance also signed by a notary public licensed in the State who is unre-

lated in any way to the distressed property purchaser or any participant in the distressed property conveyance;

c. complete a distressed property conveyance in the office of a title insurance producer licensed pursuant to the “New Jersey Insurance Producer Licensing Act of 2001,” P.L.2001, c.210 (C.17:22A-26 et seq.), or in the office of an attorney licensed to practice law in the State;

d. provide to the owner, prior to the time of completion of a distressed property conveyance, a disclosure statement in a form to be designed and prescribed by regulation by the Commissioner of Banking and Insurance, which statement shall require disclosure to the owner of all costs and fees that the owner will incur in connection with the conveyance;

e. notify in writing all existing mortgage lien holders of the distressed property purchaser’s intent to accept conveyance of an interest in the property from the owner;

f. fully comply with all terms and conditions contained in the mortgage lien documents, including but not limited to due-on-sale provisions; and

g. satisfy all qualification requirements for assuming the repayment of the mortgage.

C.46:10B-65 Waiver void, unenforceable.

13. Any waiver of the provisions of section 8, 9, 10, 11, or 12 of this act is void and unenforceable as contrary to public policy.

C.46:10B-66 Powers of commissioner relative to compliance.

14. a. The Commissioner of Banking and Insurance may investigate or examine any foreclosure consultant, or other person as the commissioner deems necessary to determine compliance with this act. For these purposes, the commissioner may examine the books, accounts, records and other documents or matters of any foreclosure consultant or other person. Each foreclosure consultant shall be subject to an examination by the commissioner, not more than once in any 12-month period, unless the commissioner has reason to believe that the foreclosure consultant is not complying with the provisions of this act, or is not transacting business in accordance with law, in which case the commissioner may conduct an examination at any time. The commissioner shall have the power to compel by subpoena the production of all relevant books, accounts, records and other documents and materials relative to an examination or investigation.

b. The commissioner or the commissioner’s designee shall have power to issue subpoenas to compel the attendance of witnesses and the

production of documents, papers, books, accounts, records and other evidence before him in any matter over which he has jurisdiction pursuant to this act, and to administer oaths and affirmations to any person.

c. If any person shall refuse to obey a subpoena, or to give testimony or to produce evidence as required thereby, the commissioner may apply ex parte to any court having jurisdiction over that person for an order compelling the appearance of the witness before the commissioner to give testimony or to produce evidence as required thereby, or both.

d. A foreclosure consultant shall have its financial records audited annually by a certified public accountant, which audit shall be filed with the commissioner. The commissioner shall conduct at least one examination of the financial records of every foreclosure consultant licensed in the State every two years.

C.46:10B-67 Violations, penalties; degree of crime.

15. a. Any person who violates any provision of this act shall, in addition to any other penalty provided by law, be liable to a penalty of not more than \$10,000 for the first offense, and not more than \$20,000 for the second and each subsequent offense, which penalty may be collected in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

b. A person who violates any provision of this act is guilty of a crime of the third degree. A person who violates any provision of this act in connection with a pattern of foreclosure rescue fraud or a conspiracy or endeavor to engage in a pattern of foreclosure rescue fraud is guilty of a crime of the second degree.

c. Any distressed property conditional conveyance involving the transfer of an interest in fee or a beneficial interest created through a trust document, in a distressed property, and involving the acquirer of the property allowing the owner to occupy the property, which is made in violation of any provision of this act, is voidable and the transfer may be rescinded by the owner within two years of the date of the transfer, provided that the right, title or interest in the property of a bona fide purchaser or mortgagee for value shall not be affected thereby. Nothing herein shall limit the right of an owner to recover damages from a distressed property purchaser.

d. An owner may bring an action in Superior Court against a foreclosure consultant or a distressed property purchaser for any violation of this act, for treble damages, attorney's fees, costs of suit and appropriate equitable relief. In an action under this subsection, the owner may:

(1) cause a notice of lis pendens to be filed in the office of the county clerk in the county in which the property is located, pursuant to N.J.S.2A:15-6 et seq.; and

(2) introduce or provide as evidence in the action, any contemporaneous oral agreements or representations made to the owner by any party to a foreclosure consultant contract, distressed property conditional conveyance contract, or distressed property conveyance contract signed by the owner.

e. The remedies and rights provided for in this act are not exclusive, but cumulative, and all other remedies or rights provided by State or federal law, including, but not limited to, those brought under the doctrine of equitable mortgage or pursuant to the "Fair Foreclosure Act," P.L.1995, c.244 (C.2A:50-53 et seq.) are specifically preserved. Nothing in this act shall be construed to limit the application of the consumer fraud act, P.L.1960, c.39 (C.56:8-1 et seq.).

f. If the Commissioner of Banking and Insurance determines that there has been any substantial violation of this act by a professional licensed under a licensing board in this State, the commissioner shall provide a written notice describing the violation to the licensing board having jurisdiction over the profession, for such action as the board deems appropriate.

C.46:10B-68 Enforcement, regulations.

16. The Commissioner of Banking and Insurance shall enforce the provisions of this act, and may promulgate regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to effectuate the purposes of the act.

17. Section 2 of P.L.2005, c.199 (C.17:1C-34) is amended to read as follows:

C.17:1C-34 Definitions relative to funding mechanism for Division of Banking.

2. For the purposes of this act:

"Assessment" means the assessment imposed pursuant to section 3 of this act for the special functions of the division as provided in that section.

"Commissioner" means the Commissioner of Banking and Insurance.

"Department" means the Department of Banking and Insurance.

"Depository institution" means any entity holding a state charter for a bank, savings bank, savings and loan association or credit union, irrespective of whether the entity accepts deposits.

"Division" means the Division of Banking in the Department of Banking and Insurance.

"Other financial entity" means a person who is licensed or registered pursuant to: the "New Jersey Consumer Finance Licensing Act," sections 1 through 49 of P.L.1996, c.157 (C.17:11C-1 et seq.); the "New Jersey Residential Mortgage Lending Act," sections 1 through 39 of P.L.2009, c.53 (C.17:11C-51 et seq.), other than a financial entity with respect to the payment of required fees to the Nationwide Mortgage Licensing System and Registry as set forth by that nationwide system and registry; "The Check Cashers Regulatory Act of 1993," P.L.1993, c.383 (C.17:15A-30 et seq.); the "New Jersey Money Transmitters Act," P.L.1998, c.14 (C.17:15C-1 et seq.); the "Insurance Premium Finance Company Act," P.L.1968, c.221 (C.17:16D-1 et seq.); the "Retail Installment Sales Act of 1960," P.L.1960, c.40 (C.17:16C-1 et seq.); the "Door-to-Door Retail Installment Sales Act of 1968," P.L.1968, c.223 (C.17:16C-61.1 et seq.); the "Home Repair Financing Act," P.L.1960, c.41 (C.17:16C-62 et seq.); the "Door-to-Door Home Repair Sales Act of 1968," P.L.1968, c.224 (C.17:16C-95 et seq.); P.L.1979, c.16 (C.17:16G-1 et seq.); the "Foreclosure Rescue Fraud Prevention Act," P.L.2011, c.146 (C.46:10B-53 et al.); or the "pawnbroking law," R.S.45:22-1 et seq.

"Nationwide Mortgage Licensing System and Registry" means the mortgage licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators, or their successors, and utilized in this State pursuant to the provisions of the "New Jersey Residential Mortgage Lending Act," sections 1 through 39 of P.L.2009, c.53 (C.17:11C-51 et seq.).

"Regulated entity" means a depository institution, other financial entity or person chartered, licensed or registered by the Division of Banking or who should be chartered, licensed or registered.

18. This act shall take effect on the 180th day following enactment, but the Commissioner of Banking and Insurance may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved December 20, 2011.

CHAPTER 147

AN ACT concerning businesses owned and operated by veterans, and supplementing Title 52 of the Revised Statutes.

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

C.52:32-49 Short title.

1. This act shall be known and may be cited as the "Veteran-Owned Business Assistance Act."

C.52:32-50 Definitions relative to businesses owned, operated by veterans.

2. As used in this act:

"Authority" means the New Jersey Economic Development Authority.

"Contracting agency" means the State or any board, commission, authority or agency of the State.

"Department" means the New Jersey Department of the Treasury.

"Veteran" means any citizen and resident of this State now or hereafter honorably discharged or released under honorable circumstances who served in any branch of the Armed Forces of the United States or a Reserve component thereof for at least 90 days and shall include disabled veterans.

"Veteran-owned business" means a business that has its principal place of business in the State, is independently owned and operated and at least 51% of the business is owned and controlled by persons who are veterans.

C.52:32-51 Participation encouraged.

3. The New Jersey Department of the Treasury shall encourage veteran-owned businesses to participate in State procurement and contracting.

C.52:32-52 Goal for contracts awarded to businesses owned, operated by veterans.

4. There is established the goal that contracting agencies give due consideration to veteran-owned businesses in awarding contracts. This goal may be attained by the department's monitoring of policies, practices, and programs in consultation with the authority and the New Jersey Department of Military and Veterans' Affairs that will further the State's efforts in encouraging opportunities for veteran-owned businesses in State purchasing and procurement processes. In addition, the department, in consultation with the authority and the New Jersey Department of Military and Veterans' Affairs shall identify strategies to expand the number of veteran-owned businesses interested in and eligible to benefit from State procurement activity.

C.52:32-53 Annual report to department.

5. Each contracting agency shall submit an annual report to the department according to a schedule announced by the department. This report shall include the following information:

- a. the total dollar value and number of contracts awarded to veteran-owned businesses;
- b. the types and sizes of businesses receiving awards and the nature of the purchases and contracts; and
- c. the efforts made to publicize and promote the program.

The department shall receive and analyze the reports submitted by the contracting agencies and, utilizing these data, submit an annual report to the Governor, and the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), showing the progress being made toward the objectives and goals of this act during the preceding fiscal year.

C.52:32-54 Regular consultations with vendor community.

6. The department shall consult regularly with representatives of the vendor community for the purpose of implementing the provisions of this act. These consultations shall take place no less than once every six months.

7. This act shall take effect immediately.

Approved December 20, 2011.

CHAPTER 148

AN ACT requiring certain qualifications for employment as a surgical technologist and supplementing P.L.1971, c.136 (C.26:2H-1 et seq.).

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

C.26:2H-12.62 Definitions relative to qualifications for employment as surgical technologist.

1. For purposes of this act:

"Health care facility" means a hospital or other health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.).

"Surgical technologist" means a person who is authorized to practice surgical technology pursuant to the provisions of this act.

"Surgical technology" means surgical patient care that includes, but is not limited to, the following tasks or functions:

(1) preparing the operating room for surgical procedures by ensuring that surgical equipment is functioning properly and safely;

(2) preparing the operating room and the sterile field for surgical procedures by preparing sterile supplies, instruments, and equipment using sterile technique;

(3) anticipating the needs of the surgical team based on knowledge of human anatomy and pathophysiology and how they relate to the surgical patient and the patient's surgical procedure; and

(4) as directed, performing tasks at the sterile field including:

(a) passing supplies, equipment or instruments;

(b) sponging or suctioning an operative site;

(c) preparing and cutting suture material;

(d) transferring and irrigating with fluids;

(e) transferring and administering drugs within the sterile field, according to applicable law;

(f) handling specimens;

(g) holding retractors and other instruments;

(h) applying electrocautery to clamps on bleeders;

(i) connecting drains to suction apparatus;

(j) applying dressings to closed wounds; and

(k) performing sponge, needle, supply and instrument counts with the registered nurse circulator.

C.26:2H-12.63 Requirements for practicing surgical technology.

2. No person shall practice surgical technology in a health care facility unless that person:

a. has successfully completed a nationally or regionally accredited educational program for surgical technologists; or

b. holds and maintains a certified surgical technologist credential administered by the National Board of Surgical Technology and Surgical Assisting or its successor, or other nationally recognized credentialing organization; or

c. has completed an appropriate training program for surgical technology in the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States or in the United States Public Health Service Commissioned Corps; or

d. provides evidence that the person was employed to practice surgical technology in a health care facility on the effective date of this act; or

e. is in the service of the federal government, to the extent that individual is performing surgical technology duties related to that service.

C.26:2H-12.64 Requirements for employment.

3. A health care facility shall not employ or otherwise contract for the services of a surgical technologist unless the person employed or contracted meets the requirements of section 2 of this act.

C.26:2H-12.65 Continuing education requirement.

4. A person who qualifies to practice surgical technology in a health care facility under section 2 of this act shall annually complete 15 hours of continuing education to remain qualified to practice as a surgical technologist in this State.

C.26:2H-12.66 Verification of eligibility to practice.

5. A health care facility that employs or contracts with a person to practice surgical technology shall verify that the person meets: a. the continuing education requirements of section 4 of this act; and b. the requirements of section 2 of this act.

C.26:2H-12.67 Person permitted to act within scope of practice of license.

6. Nothing in this act shall prohibit any person licensed under any other law from practicing surgical technology if the person is acting within the scope of practice of his license.

7. This act shall take effect immediately, except that section 4 shall take effect one year from the date of enactment.

Approved December 20, 2011.

CHAPTER 149

AN ACT providing for the availability of tax credits to certain businesses, authorizing a transfer of certain real property, and supplementing Title 34 of the Revised Statutes, amending various parts of the statutory law, and repealing section 6 of P.L.1996, c.25.

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

C.34:1B-242 Short title.

1. Sections 1 through 9 of this act shall be known and may be cited as the "Grow New Jersey Assistance Act."

C.34:1B-243 Definitions relative to the "Grow New Jersey Assistance Act."

2. As used in this act:

"Affiliate" means an entity that directly or indirectly controls, is under common control with, or is controlled by the business. Control exists in all cases in which the entity is a member of a controlled group of corporations as defined pursuant to section 1563 of the Internal Revenue Code of 1986 (26 U.S.C.s.1563) or the entity is an organization in a group of organizations under common control as defined pursuant to subsection (b) or (c) of section 414 of the Internal Revenue Code of 1986 (26 U.S.C.s.414). A taxpayer may establish by clear and convincing evidence, as determined by the Director of the Division of Taxation in the Department of the Treasury, that control exists in situations involving lesser percentages of ownership than required by those statutes. An affiliate of a business may contribute to meeting either the qualified investment or full-time employee requirements of a business that applies for a credit under section 3 of P.L.2007, c.346 (C.34:1B-209).

"Authority" means the New Jersey Economic Development Authority established by section 4 of P.L.1974, c.80 (C.34:1B-4).

"Business" means a corporation that is subject to the tax imposed pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5), a corporation that is subject to the tax imposed pursuant to sections 2 and 3 of P.L.1945, c.132 (C.54:18A-2 and 54:18A-3), section 1 of P.L.1950, c.231 (C.17:32-15) or N.J.S.17B:23-5, or is a partnership, an S corporation, or a limited liability corporation. A business shall include an affiliate of the business if that business applies for a credit based upon any capital investment made by or full-time employees of an affiliate.

"Capital investment" in a qualified business facility means expenses incurred after application, but before the end of the tenth year after, the effective date of P.L.2011, c.149 (C.34:1B-242 et al.) for: a. site preparation and construction, repair, renovation, improvement, equipping, or furnishing of a building, structure, facility, or improvement to real property; and b. obtaining and installing furnishings and machinery, apparatus, or equipment for the operation of a business in a building, structure, facility, or improvement to real property.

"Eligible position" means a full-time position retained or created by a business in this State for which a business provides employee health benefits under a group health plan as defined under section 14 of P.L.1997, c.146 (C.17B:27-54), a health benefits plan as defined under section 1 of P.L.1992, c.162 (C.17B:27A-17), or a policy or contract of health insurance covering more than one person issued pursuant to Article 2 of chapter 27 of Title 17B of the New Jersey Statutes.

"Full-time employee" means a person employed by the business for consideration for at least 35 hours a week, or who renders any other standard of service generally accepted by custom or practice as full-time employment, or a person who is employed by a professional employer organization pursuant to an employee leasing agreement between the business and the professional employer organization, in accordance with P.L.2001, c.260 (C.34:8-67 et seq.) for at least 35 hours a week, or who renders any other standard of service generally accepted by custom or practice as full-time employment, and whose wages are subject to withholding as provided in the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq. or an employee who is a resident of another State but whose income is not subject to the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq. or who is a partner of a business who works for the partnership for at least 35 hours a week, or who renders any other standard of service generally accepted by custom or practice as full-time employment, and whose distributive share of income, gain, loss, or deduction, or whose guaranteed payments, or any combination thereof, is subject to the payment of estimated taxes, as provided in the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq. "Full-time employee" shall not include any person who works as an independent contractor or on a consulting basis for the business.

"New full-time job" means an eligible position created by the business at the qualified business facility that did not previously exist in this State. For the purposes of determining a number of new full-time jobs, the eligible positions of an affiliate shall be considered eligible positions of the business.

"Partnership" means an entity classified as a partnership for federal income tax purposes.

"Professional employer organization" means an employee leasing company registered with the Department of Labor and Workforce Development pursuant to P.L.2001, c.260 (C.34:8-67 et seq.).

"Program" means the "Grow New Jersey Assistance Program" established pursuant to section 3 of P.L.2011, c.149 (C.34:1B-244).

"Qualified business facility" means any building, complex of buildings or structural components of buildings, and all machinery and equipment located within a qualified incentive area, used in connection with the operation of a business.

"Qualified incentive area" means an area designated pursuant to P.L.1985, c.398 (C.52:18A-196 et seq.) as Planning Area 1 (Metropolitan), Planning Area 2 (Suburban), or any urban, regional, or town designated center under the State Development and Redevelopment Plan; an area

zoned for development pursuant to a master plan adopted by the New Jersey Meadowlands Commission pursuant to subsection (i) of section 6 of P.L.1968, c.404 (C.13:17-6) or subject to a redevelopment plan adopted by the New Jersey Meadowlands Commission pursuant to section 20 of P.L.1968, c.404 (C.13:17-21); any land owned by the New Jersey Sports and Exposition Authority, established pursuant to P.L.1971, c.137 (C.5:10-1 et seq.), within the boundaries of the Hackensack Meadowlands District as delineated in section 4 of P.L.1968, c.404 (C.13:17-4); a pinelands regional growth area, a pinelands town management area, a pinelands village, or a military and federal installation area established pursuant to the pinelands comprehensive management plan adopted pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.); an area designated for development, redevelopment, or economic growth within the Highlands Region; federally owned land approved for closure under any federal Base Closure and Realignment Commission action; or any property consisting of a vacant commercial building having over 400,000 square feet of office, laboratory, or industrial space available for occupancy for a period of over one year or is negatively impacted by the approval of a "qualified business facility," as defined pursuant to section 2 of P.L.2007, c.346 (C.34:1B-208).

"Retained full-time job" means an eligible position that currently exists in New Jersey and is filled by a full-time employee but which, because of a potential relocation by the business, is at risk of being lost to another state or country. For the purposes of determining a number of retained full-time jobs, the eligible positions of an affiliate shall be considered eligible positions of the business.

C.34:1B-244 Grow New Jersey Assistance Program.

3. a. The Grow New Jersey Assistance Program is hereby established as a program under the jurisdiction of the New Jersey Economic Development Authority and shall be administered by the authority. The purpose of the program is to encourage economic development and job creation and to preserve jobs that currently exist in New Jersey but which are in danger of being relocated outside of the State. To implement this purpose, and to the extent that funding for the program is available, the program may provide tax credits to eligible businesses. To be eligible for any tax credits pursuant to P.L.2011, c.149 (C.34:1B-242 et al.), a business's chief executive officer or equivalent officer shall demonstrate to the authority, at the time of application, that: (1) the business will make, acquire, or lease a capital investment of at least \$20,000,000 at a qualified business facility at which it will (a) employ at least 100 full-time employees in retained full-time jobs, or (b)

create at least 100 new full-time jobs in an industry identified by the authority as desirable for the State to maintain or attract; (2) the capital investment resultant from the award of tax credits and the resultant retention and creation of eligible positions will yield a net positive benefit to the State; and, except as provided in subsection d. of this section, (3) the award of tax credits will be a material factor in the business's decision to create or retain the minimum number of full-time jobs for eligibility under the program.

b. To assist the authority in determining whether a proposed capital investment will yield a net positive benefit, the business's chief executive officer, or equivalent officer, shall submit a certification to the authority indicating that any existing jobs are at risk of leaving the State, that any projected creation of new full-time jobs would not occur but for the provision of tax credits under the program, and that the business's chief executive officer, or equivalent officer, has reviewed the information submitted to the authority and that the representations contained therein are accurate. In the event that this certification by the business's chief executive officer, or equivalent officer, is found to be willfully false, the authority may revoke any award of tax credits in their entirety, which revocation shall be in addition to any other criminal or civil penalties that the business and the officer may be subject to. When considering an application involving intra-State job transfers, the authority shall require the business to submit the following information as part of its application: a full economic analysis of all locations under consideration by the business; all lease agreements, ownership documents, or substantially similar documentation for the business's current in-State locations; and all lease agreements, ownership documents, or substantially similar documentation for the potential out-of-State location alternatives, to the extent they exist. Based on this information, and any other information deemed relevant by the authority, the authority shall independently verify and confirm, by way of making a factual finding by separate vote of the authority's board, the business's assertion that the jobs are actually at risk of leaving the State, before a business may be awarded any tax credits under this section.

c. A project that consists solely of point-of-final-purchase retail facilities shall not be eligible for a grant of tax credits. If a project consists of both point-of-final-purchase retail facilities and non-retail facilities, only the portion of the project consisting of non-retail facilities shall be eligible for a grant of tax credits. If a warehouse facility is part of a point-of-final-purchase retail facility and supplies only that facility, the warehouse facility shall not be eligible for a grant of tax credits. For the purposes of this sec-

tion, catalog distribution centers shall not be considered point-of-final-purchase retail facilities.

d. The authority may determine as eligible for tax credits under the program any business that is required to respond to a request for proposals and to fulfill a contract with the federal government although the business's chief executive officer or equivalent officer has not demonstrated to the authority that the award of tax credits will be a material factor in the business's decision to retain at least 100 full-time jobs, as otherwise required by paragraph (3) of subsection a. of this section. The authority may, in its discretion, consider the economic benefit of the retained jobs servicing the contract in conducting a net benefit analysis required by paragraph (2) of subsection a. of this section. For the purposes of this subsection, "retained jobs" includes jobs that are at risk of being eliminated. Applications to the authority for eligibility under the program pursuant to the criteria set forth in this subsection shall be completed by March 31, 2012. Submission of a proposal to the federal government prior to authority approval shall not disqualify a business from the program.

C.34:1B-245 Agreement required prior to issuance of tax credits.

4. The authority shall require an eligible business to enter an agreement prior to the issuance of tax credits. The agreement shall include, but shall not be limited to, the following:

a. A detailed description of the proposed project which will result in job creation or retention, and the number of full-time employees.

b. The term of the tax credits, and the first year for which the tax credits may be claimed.

c. Personnel information that will enable the authority to administer the program.

d. A requirement that the applicant maintain the project at a location in New Jersey for at least 1.5 times the number of years of the term of the tax credits, with at least the number of full-time employees as required by section 6 of P.L.2011, c.149 (C.34:1B-247) and a provision to permit the authority to recapture all or part of any tax credit awarded, at its discretion, if the business does not remain at the site for the required term.

e. A method for the business to report annually to the authority the number of full-time employees for which the tax credits are to be made.

f. A provision permitting an audit of the payroll records of the business from time to time, as the authority deems necessary.

g. A provision which permits the authority to amend the agreement.

h. A provision establishing the conditions under which the agreement may be terminated and awarded tax credits are recaptured, in whole or in part, by the authority at its discretion.

C.34:1B-246 Value of tax credit for eligible business.

5. a. The value of each tax credit for an eligible business shall be equal to \$5,000 per year for a period of ten years for each new or retained full-time job determined by the authority pursuant to section 3 of P.L.2011, c.149 (C.34:1B-244) to be located at the qualified business facility, subject to the provisions of this section.

b. In addition to any grant of tax credits determined pursuant to subsection a. of this section, a bonus award of up to an additional \$3,000 per job of the amount of the original tax credits may be made to any eligible business as determined by the authority. In making a bonus award to an eligible business, the authority shall consider the following factors, such that whether the business: (1) is an industry identified by the authority as desirable for the State to maintain or attract; (2) locates or relocates to a location within a qualified incentive area adjacent to, or within walking distance or short-distance-shuttle service of, a public transit facility, as determined by the authority, by regulation; (3) creates jobs using full-time employees in eligible positions whose annual salaries, according to the Department of Labor and Workforce Development, are greater than the average full-time salary in this State; or (4) is locating to a project site that is or has been negatively impacted by the approval of a "qualified business facility," as defined pursuant to section 2 of P.L.2007, c.346 (C.34:1B-208).

c. Notwithstanding the provisions of subsections a. and b. of this section, (1) the amount of tax credits available to be applied by the business annually shall not exceed the lesser of one tenth of the capital investment certified by the authority pursuant to section 6 of P.L.2011, c.149 (C.34:1B-247) or \$4,000,000, and (2) the number of new full-time jobs for which a business receives a tax credit shall not exceed the number of retained full-time jobs for which a business receives a tax credit, unless the business qualifies by creating at least 100 new full-time jobs in an industry identified by the authority as desirable for the State to maintain or attract.

C.34:1B-247 Limit on value of approved credits.

6. a. (1) The value of all credits approved by the authority pursuant to P.L.2011, c.149 (C.34:1B-242 et al.) shall not exceed \$200,000,000, except that the value of all credits approved by the authority pursuant to this section may exceed \$200,000,000 if the board of the authority determines the

credits to be reasonable, justifiable, and appropriate; provided, however, the combined value of all credits approved by the authority pursuant to P.L.2007, c.346 (C.34:1B-207 et seq.) and P.L.2011, c.149 (C.34:1B-242 et al.) shall not exceed \$1,500,000,000.

(2) A business, including any affiliate of the business or any business that is a tenant within any qualified business facility, shall make or acquire capital investments totaling not less than \$20,000,000 in a qualified business facility, at which the business shall employ not fewer than 100 full-time employees to be eligible for a credit pursuant to P.L.2011, c.149. A business that acquires or leases a qualified business facility shall also be deemed to have acquired the capital investment made or acquired by the seller or landlord, as the case may be.

(3) A business shall not be allowed tax credits pursuant to P.L.1996, c.25 (C.34:1B-112 et seq.) or P.L.1996, c.26 (C.34:1B-124 et seq.) relating to the same capital and employees that qualify the business for tax credits pursuant to P.L.2011, c.149. A business that is allowed a tax credit under this section shall not be eligible for incentives authorized pursuant to P.L.2002, c.43 (C.52:27BBB-1 et al.). A business shall not qualify for a tax credit under this section, based upon capital investment and employment of full-time employees, if that capital investment or employment was the basis for which a grant was provided to the business pursuant to the "Urban Transit Hub Tax Credit Act," P.L.2007, c.346 (C.34:1B-207 et seq.).

(4) Full-time employment for an accounting or privilege period shall be determined as the average of the monthly full-time employment for the period.

(5) The capital investment of the owner of a qualified business facility is that percentage of the capital investment made or acquired by the owner of the building that the percentage of net leasable area of the qualified business facility not leased to tenants is of the total net leasable area of the qualified business facility. For a business that is a tenant, the amount of capital investment in a facility that a leased area represents shall be equal to that percentage of the owner's total capital investment in the facility that the percentage of net leasable area leased by the tenant is of the total net leasable area of the qualified business facility. Capital investments made by a tenant shall be deemed to be included in the calculation of the capital investment made or acquired by the owner, but only to the extent necessary to meet the owner's minimum capital investment of \$20,000,000. Capital investments made by a tenant and not allocated to meet the owner's minimum capital investment threshold of \$20,000,000 shall be added to the amount of capital investment represented by the tenant's leased area in the qualified business facility.

b. A business shall apply for the tax credit prior to July 1, 2014, and shall submit its documentation indicating that it has met the capital investment and employment specified in the project agreement for certification of its credit amount no later than July 28, 2017.

c. (1) The amount of credit allowed shall not exceed the capital investment made by the business or the capital investment represented by the business' leased area, as certified by the authority pursuant to subsection b. of this section, as having met the investment capital and employment qualifications, subject to any reduction or disqualification as provided by subsection d. of this section as determined by annual review by the authority. In conducting its annual review, the authority may require a business to submit any information determined by the authority to be necessary and relevant to its review.

The credit amount for any tax period ending after July 28, 2017, during which the documentation of a business' credit amount remains uncertified shall be forfeited, although credit amounts for the remainder of the years of the 10-year credit period shall remain available to it.

The credit amount that may be taken for a tax period of the business that exceeds the final liabilities of the business for the tax period may be carried forward for use by the business in the next 20 successive tax periods, and shall expire thereafter, provided that the value of all credits approved by the authority against tax liabilities pursuant to P.L.2011, c.149, in any fiscal year shall not exceed \$150,000,000 and the combined value of all credits approved by the authority pursuant to P.L.2007, c.346 (C.34:1B-207 et seq.) and P.L.2011, c.149 (C.34:1B-242 et al.) shall not exceed \$1,500,000,000.

The amount of credit allowed for a tax period to a business that is a tenant in a qualified business facility shall not exceed the business' total lease payments for occupancy of the qualified business facility for the tax period.

(2) A business that is a partnership shall not be allowed a credit under this section directly, but the amount of credit of an owner of a business shall be determined by allocating to each owner of the partnership that proportion of the credit of the business that is equal to the owner of the partnership's share, whether or not distributed, of the total distributive income or gain of the partnership for its tax period ending within or with the owner's tax period, or that proportion that is allocated by an agreement, if any, among the owners of the partnership that has been provided to the Director of the Division of Taxation in the Department of the Treasury by such time and accompanied by such additional information as the director may require.

(3) The amount of credit allowed may be applied against the tax liability otherwise due pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5), pursuant to sections 2 and 3 of P.L.1945, c.132 (C.54:18A-2 and 54:18A-3), pursuant to section 1 of P.L.1950, c.231 (C.17:32-15), or pursuant to N.J.S.17B:23-5.

d. (1) If, in any tax period, the business reduces the total number of full-time employees in its Statewide workforce by more than 20 percent from the number of full-time employees in its Statewide workforce in the last tax period prior to the credit amount approval under section 3 of P.L.2011, c.149 (C.34:1B-244), then the business shall forfeit its credit amount for that tax period and each subsequent tax period, until the first tax period for which documentation demonstrating the restoration of the business' Statewide workforce to the threshold levels required by this paragraph has been reviewed and approved by the authority, for which tax period and each subsequent tax period the full amount of the credit shall be allowed.

(2) If, in any tax period, the number of full-time employees employed by the business at the qualified business facility located within a qualified incentive area drops below 100 or 80 percent of the number of new and retained full-time jobs specified in the project agreement, then the business shall forfeit its credit amount for that tax period and each subsequent tax period, until the first tax period for which documentation demonstrating the restoration of the number of full-time employees employed by the business at the qualified business facility to 100.

(3) (a) If the qualified business facility is sold in whole or in part during the 10-year eligibility period the new owner shall not acquire the capital investment of the seller and the seller shall forfeit all credits for the tax period in which the sale occurs and all subsequent tax periods, provided however that any credits of tenants shall remain unaffected.

(b) If a tenant subleases its tenancy in whole or in part during the 10-year eligibility period the new tenant shall not acquire the credit of the sublessor, and the sublessor tenant shall forfeit all credits for the tax period of its sublease and all subsequent tax periods.

C.34:1B-248 Application for tax credit transfer certificate.

7. A business may apply to the Director of the Division of Taxation in the Department of the Treasury and the chief executive officer of the authority for a tax credit transfer certificate, covering one or more years, in lieu of the business being allowed any amount of the credit against the tax liability of the business. The tax credit transfer certificate, upon receipt thereof by the business from the director and the chief executive officer of the authority,

may be sold or assigned, in full or in part, to any other person that may have a tax liability pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5), pursuant to sections 2 and 3 of P.L.1945, c.132 (C.54:18A-2 and 54:18A-3), pursuant to section 1 of P.L.1950, c.231 (C.17:32-15), or pursuant to N.J.S.17B:23-5. The certificate provided to the business shall include a statement waiving the business's right to claim that amount of the credit against the taxes that the business has elected to sell or assign. The sale or assignment of any amount of a tax credit transfer certificate allowed under this section shall not be exchanged for consideration received by the business of less than 75 percent of the transferred credit amount. Any amount of a tax credit transfer certificate used by a purchaser or assignee against a tax liability shall be subject to the same limitations and conditions that apply to the use of the credit by the business that originally applied for and was allowed the credit.

C.34:1B-249 Rules, regulations adopted by chief executive officer, authority.

8. a. The chief executive officer of the authority, in consultation with the Director of the Division of Taxation in the Department of the Treasury, shall adopt rules in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as are necessary to implement P.L.2011, c.149 (C.34:1B-242 et al.), including but not limited to: examples of and the determination of capital investment; the enumeration of qualified incentive areas; specific delineation of these incentive areas; the determination of the limits, if any, on the expense or type of furnishings that may constitute capital improvements; the promulgation of procedures and forms necessary to apply for a tax credit, including the enumeration of the certification procedures and allocation of tax credits for different phases of a qualified business facility; and provisions for tax credit applicants to be charged an initial application fee, and ongoing service fees, to cover the administrative costs related to the tax credit.

b. Through regulation, the authority shall establish standards by which qualified business facilities shall be constructed or renovated based on the green building manual prepared by the Commissioner of Community Affairs pursuant to section 1 of P.L.2007, c.132 (C.52:27D-130.6), regarding the use of renewable energy, energy-efficient technology, and non-renewable resources in order to reduce environmental degradation and encourage long-term cost reduction.

C.34:1B-250 Certain sales, conveyances authorized.

9. a. Notwithstanding the provisions of P.L.1962, c. 220 (C.52:31-1.1 et seq.), P.L. 2011, c.85, or any other law or regulation to the contrary, and

without the requirement for the approval by any other party or entity, the State Treasurer is hereby authorized to sell and convey, to the New Jersey Performing Arts Center, in one or more series of transactions, all or any portion of the State of New Jersey's right, title and interest in the land and improvements located in the City of Newark, County of Essex, now subject to the sublease between the State Treasurer and the New Jersey Performing Arts Center which appear on the tax map of the City of Newark and are designated as Block 125, Lots 23, 26 and 115, Block 126.01, Lot 21, such portion of Block 17, Lot 1, which was designated for commercial development pursuant to the sublease, and Block 17, Lots 20 and 21. Such conveyances shall be on such terms and conditions, and for such consideration, as shall be determined by the State Treasurer in the State Treasurer's sole discretion. The proceeds from any such sales and conveyances shall be deposited and applied as provided by law. In the event that the identification of any of the property contained in this section by block and lot number is inaccurate, the State Treasurer is authorized to convey such blocks and lots which are subject to the sublease between the State Treasurer and the New Jersey Performing Arts Center as represent the actual parcels to be conveyed.

b. The State Treasurer is hereby authorized to enter into any agreements, and to amend any existing agreements, required to effectuate this sale and conveyance to the New Jersey Performing Arts Center and any such agreements and amendments shall not require the approval of any other party or entity, notwithstanding any other law or regulation to the contrary.

c. The New Jersey Economic Development Authority is hereby authorized to sell and convey all or any portion of its right, title, and interest in the property described in subsection a. of this section to the New Jersey Performing Arts Center, in one or more series of transactions on such terms and conditions, and for such consideration, as shall be determined by the authority in its sole discretion and to enter into any agreements and amend any existing agreements required to effectuate this sale and conveyance. Any such sale or conveyance shall not require the approval of any other party or entity, notwithstanding any other law or regulation to the contrary.

10. Section 2 of P.L.2007, c.346 (C.34:1B-208) is amended to read as follows:

C.34:1B-208 Definitions relative to the "Urban Transit Hub Tax Credit Act."

2. As used in this act:

"Affiliate" means an entity that directly or indirectly controls, is under common control with, or is controlled by the business. Control exists in all

cases in which the entity is a member of a controlled group of corporations as defined pursuant to section 1563 of the Internal Revenue Code of 1986 (26 U.S.C.s.1563) or the entity is an organization in a group of organizations under common control as defined pursuant to subsection (b) or (c) of section 414 of the Internal Revenue Code of 1986 (26 U.S.C.s.414). A taxpayer may establish by clear and convincing evidence, as determined by the Director of the Division of Taxation in the Department of the Treasury, that control exists in situations involving lesser percentages of ownership than required by those statutes. An affiliate of a business may contribute to meeting either the qualified investment or full-time employee requirements of a business that applies for a credit under section 3 of P.L.2007, c.346 (C.34:1B-209).

"Authority" means the New Jersey Economic Development Authority established by section 4 of P.L.1974, c.80 (C.34:1B-4).

"Business" means a corporation that is subject to the tax imposed pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5), a corporation that is subject to the tax imposed pursuant to sections 2 and 3 of P.L.1945, c.132 (C.54:18A-2 and 54:18A-3), section 1 of P.L.1950, c.231 (C.17:32-15) or N.J.S.17B:23-5, or is a partnership, an S corporation, or a limited liability corporation. A business shall include an affiliate of the business if that business applies for a credit based upon any capital investment made by or full-time employees of an affiliate.

"Capital investment" in a qualified business facility means expenses incurred after, but before the end of the eighth year after, the effective date of P.L.2007, c.346 (C.34:1B-207 et seq.) for: a. the site preparation and construction, repair, renovation, improvement, equipping, or furnishing of a building, structure, facility or improvement to real property; and b. obtaining and installing furnishings and machinery, apparatus or equipment for the operation of a business in a building, structure, facility or improvement to real property.

"Eligible municipality" means a municipality: (1) which qualifies for State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.) or which was continued to be a qualified municipality thereunder pursuant to P.L.2007, c.111; and (2) in which 30 percent or more of the value of real property was exempt from local property taxation during tax year 2006. The percentage of exempt property shall be calculated by dividing the total exempt value by the sum of the net valuation which is taxable and that which is tax exempt.

"Full-time employee" means a person employed by the business for consideration for at least 35 hours a week, or who renders any other standard of service generally accepted by custom or practice as full-time employment, or a person who is employed by a professional employer organi-

zation pursuant to an employee leasing agreement between the business and the professional employer organization, in accordance with P.L.2001, c.260 (C.34:8-67 et seq.) for at least 35 hours a week, or who renders any other standard of service generally accepted by custom or practice as full-time employment, and whose wages are subject to withholding as provided in the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq. or an employee who is a resident of another State but whose income is not subject to the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq. or who is a partner of a business who works for the partnership for at least 35 hours a week, or who renders any other standard of service generally accepted by custom or practice as full-time employment, and whose distributive share of income, gain, loss, or deduction, or whose guaranteed payments, or any combination thereof, is subject to the payment of estimated taxes, as provided in the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq. "Full-time employee" shall not include any person who works as an independent contractor or on a consulting basis for the business.

"Mixed use project" means a project comprising both a qualified business facility and a qualified residential project.

"Partnership" means an entity classified as a partnership for federal income tax purposes.

"Professional employer organization" means an employee leasing company registered with the Department of Labor and Workforce Development pursuant to P.L.2001, c.260 (C.34:8-67 et seq.).

"Qualified business facility" means any building, complex of buildings or structural components of buildings, and all machinery and equipment located within a designated urban transit hub in an eligible municipality, used in connection with the operation of a business.

"Qualified residential project" shall have the meaning ascribed to that term under section 34 of P.L.2009, c.90 (C.34:1B-209.2).

"Residential unit" means a residential dwelling unit such as a rental apartment, a condominium or cooperative unit, a hotel room, or a dormitory room.

"Urban transit hub" means:

a. (1) property located within a 1/2-mile radius surrounding the mid point of a New Jersey Transit Corporation, Port Authority Transit Corporation or Port Authority Trans-Hudson Corporation rail station platform area, including all light rail stations, and

(2) property located within a one-mile radius of the mid point of the platform area of such a rail station if the property is in a qualified municipality under the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et seq.) or in an area that is the subject of a

Choice Neighborhoods Transformation Plan funded by the federal Department of Housing and Urban Development, and

(3) the site of the campus of an acute care medical facility located within a one-mile radius of the mid point of the platform area of such a rail station, and

(4) the site of a closed hospital located within a one-mile radius of the mid point of the platform area of such a rail station;

b. property located within a 1/2-mile radius surrounding the mid point of one of up to two underground light rail stations' platform areas that are most proximate to an interstate rail station;

c. property adjacent to, or connected by rail spur to, a freight rail line if the business utilizes that freight line at any rail spur located adjacent to or within a one-mile radius surrounding the entrance to the property for loading and unloading freight cars on trains;

which property shall have been specifically delineated by the authority pursuant to subsection e. of section 3 of P.L.2007, c.346 (C.34:1B-209).

A property which is partially included within the radius shall only be considered part of the urban transit hub if over 50 percent of its land area falls within the radius.

"Rail station" shall not include any rail station located at an international airport, except that any property within a 1/2-mile radius surrounding the mid point of a New Jersey Transit Corporation rail station platform area at an international airport upon which a qualified business facility is constructed or renovated commencing after the effective date of P.L.2011, c.149 (C.34:1B-242 et al.) shall be deemed an urban transit hub, excluding any property owned or controlled by the Port Authority of New York and New Jersey.

11. Section 3 of P.L.2007, c.346 (C.34:1B-209) is amended to read as follows:

C.34:1B-209 Credit for qualified business facilities, conditions for eligibility; allowance.

3. a. (1) A business, upon application to and approval from the authority, shall be allowed a credit of 100 percent of its capital investment, made after the effective date of P.L.2007, c.346 (C.34:1B-207 et seq.) but prior to its submission of documentation pursuant to subsection c. of this section, in a qualified business facility within an eligible municipality, pursuant to the restrictions and requirements of this section. To be eligible for any tax credits authorized under this section, a business shall demonstrate to the authority, at the time of application, that the State's financial support of the

proposed capital investment in a qualified business facility will yield a net positive benefit to both the State and the eligible municipality. The value of all credits approved by the authority pursuant to P.L.2007, c.346 (C.34:1B-207 et seq.) shall not exceed \$1,500,000,000.

(2) A business, other than a tenant eligible pursuant to paragraph (3) of this subsection, shall make or acquire capital investments totaling not less than \$50,000,000 in a qualified business facility, at which the business shall employ not fewer than 250 full-time employees to be eligible for a credit under this section. A business that acquires a qualified business facility shall also be deemed to have acquired the capital investment made or acquired by the seller.

(3) A business that is a tenant in a qualified business facility, the owner of which has made or acquired capital investments in the facility totaling not less than \$50,000,000, shall occupy a leased area of the qualified business facility that represents at least \$17,500,000 of the capital investment in the facility at which the tenant business and up to two other tenants in the qualified business facility shall employ not fewer than 250 full-time employees in the aggregate to be eligible for a credit under this section. The amount of capital investment in a facility that a leased area represents shall be equal to that percentage of the owner's total capital investment in the facility that the percentage of net leasable area leased by the tenant is of the total net leasable area of the qualified business facility. Capital investments made by a tenant shall be deemed to be included in the calculation of the capital investment made or acquired by the owner, but only to the extent necessary to meet the owner's minimum capital investment of \$50,000,000. Capital investments made by a tenant and not allocated to meet the owner's minimum capital investment threshold of \$50,000,000 shall be added to the amount of capital investment represented by the tenant's leased area in the qualified business facility.

(4) A business shall not be allowed tax credits under this section if the business participates in a business employment incentive grant relating to the same capital and employees that qualify the business for this credit, or if the business receives assistance pursuant to P.L.1996, c.25 (C.34:1B-112 et seq.). A business that is allowed a tax credit under this section shall not be eligible for incentives authorized pursuant to P.L.2002, c.43 (C.52:27BBB-1 et al.). A business shall not qualify for a tax credit under this section, based upon capital investment and employment of full-time employees, if that capital investment or employment was the basis for which a grant was provided to the business pursuant to the "InvestNJ Business Grant Program Act," P.L.2008, c.112 (C.34:1B-237 et seq.).

(5) Full-time employment for an accounting or privilege period shall be determined as the average of the monthly full-time employment for the period.

(6) The capital investment of the owner of a qualified business facility is that percentage of the capital investment made or acquired by the owner of the building that the percentage of net leasable area of the qualified business facility not leased to tenants is of the total net leasable area of the qualified business facility.

(7) A business shall be allowed a tax credit of 100 percent of its capital investment, made after the effective date of P.L.2011, c.89 but prior to its submission of documentation pursuant to subsection c. of this section, in a qualified business facility that is part of a mixed use project, provided that (a) the qualified business facility represents at least \$17,500,000 of the total capital investment in the mixed use project, (b) the business employs not fewer than 250 full-time employees in the qualified business facility, and (c) the total capital investment in the mixed use project of which the qualified business facility is a part is not less than \$50,000,000. The allowance of credits under this paragraph shall be subject to the restrictions and requirements, to the extent that those are not inconsistent with the provisions of this paragraph, set forth in paragraphs (1) through (6) of this subsection, including but not limited to the requirement that the business shall demonstrate to the authority, at the time of application, that the State's financial support of the proposed capital investment in a qualified business facility will yield a net positive benefit to both the State and the eligible municipality.

(8) In determining whether a proposed capital investment will yield a net positive benefit, the authority shall not consider the transfer of an existing job from one location in the State to another location in the State as the creation of a new job, unless (a) the business proposes to transfer existing jobs to a municipality in the State as part of a consolidation of business operations from two or more other locations that are not in the same municipality whether in-State or out-of-State, or (b) the business's chief executive officer, or equivalent officer, submits a certification to the authority indicating that the existing jobs are at risk of leaving the State and that the business's chief executive officer, or equivalent officer, has reviewed the information submitted to the authority and that the representations contained therein are accurate, and the business intends to employ not fewer than 500 full-time employees in the qualified business facility. In the event that this certification by the business's chief executive officer, or equivalent officer, is found to be willfully false, the authority may revoke any award of tax credits in their entirety, which revocation shall be in addition to any other criminal or civil penalties that the business and the officer may be subject

to. When considering an application involving intra-State job transfers, the authority shall require the company to submit the following information as part of its application: a full economic analysis of all locations under consideration by the company; all lease agreements, ownership documents, or substantially similar documentation for the business's current in-State locations; and all lease agreements, ownership documents, or substantially similar documentation for the potential out-of-State location alternatives, to the extent they exist. Based on this information, and any other information deemed relevant by the authority, the authority shall independently verify and confirm, by way of making a factual finding by separate vote of the authority's board, the business's assertion that the jobs are actually at risk of leaving the State, before a business may be awarded any tax credits under this section.

b. A business shall apply for the credit within five years after the effective date of P.L.2007, c.346 (C.34:1B-207 et seq.), and shall submit its documentation for approval of its credit amount within eight years after the effective date of P.L.2007, c.346 (C.34:1B-207 et seq.).

c. (1) The amount of credit allowed shall, except as otherwise provided, be equal to the capital investment made by the business, or the capital investment represented by the business' leased area, or area owned by the business as a condominium, and shall be taken over a 10-year period, at the rate of one-tenth of the total amount of the business' credit for each tax accounting or privilege period of the business, beginning with the tax period in which the business is first certified by the authority as having met the investment capital and employment qualifications, subject to any reduction or disqualification as provided by subsection d. of this section as determined by annual review by the authority. In conducting its annual review, the authority may require a business to submit any information determined by the authority to be necessary and relevant to its review.

The credit amount for any tax period ending after the date eight years after the effective date of P.L.2007, c.346 (C.34:1B-207 et seq.) during which the documentation of a business' credit amount remains uncertified shall be forfeited, although credit amounts for the remainder of the years of the 10-year credit period shall remain available to it.

The credit amount that may be taken for a tax period of the business that exceeds the final liabilities of the business for the tax period may be carried forward for use by the business in the next 20 successive tax periods, and shall expire thereafter, provided that the value of all credits approved by the authority against tax liabilities pursuant to P.L.2007, c.346 (C.34:1B-207 et seq.) in any fiscal year shall not exceed \$150,000,000.

The amount of credit allowed for a tax period to a business that is a tenant in a qualified business facility shall not exceed the business' total lease payments for occupancy of the qualified business facility for the tax period.

(2) A business that is a partnership shall not be allowed a credit under this section directly, but the amount of credit of an owner of a business shall be determined by allocating to each owner of the partnership that proportion of the credit of the business that is equal to the owner of the partnership's share, whether or not distributed, of the total distributive income or gain of the partnership for its tax period ending within or with the owner's tax period, or that proportion that is allocated by an agreement, if any, among the owners of the partnership that has been provided to the Director of the Division of Taxation in the Department of the Treasury by such time and accompanied by such additional information as the director may require.

(3) The amount of credit allowed may be applied against the tax liability otherwise due pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5), pursuant to sections 2 and 3 of P.L.1945, c.132 (C.54:18A-2 and 54:18A-3), pursuant to section 1 of P.L.1950, c.231 (C.17:32-15), or pursuant to N.J.S.17B:23-5.

d. (1) If, in any tax period, fewer than 200 full-time employees of the business at the qualified business facility are employed in new full-time positions, the amount of the credit otherwise determined pursuant to final calculation of the award of tax credits pursuant to subsection c. of this section shall be reduced by 20 percent for that tax period and each subsequent tax period until the first period for which documentation demonstrating the restoration of the 200 full-time employees employed in new full-time positions at the qualified business facility has been reviewed and approved by the authority, for which tax period and each subsequent tax period the full amount of the credit shall be allowed; provided, however, that for businesses applying before January 1, 2010, there shall be no reduction if a business relocates to an urban transit hub from another location or other locations in the same municipality. For the purposes of this paragraph, a "new full-time position" means a position created by the business at the qualified business facility that did not previously exist in this State.

(2) If, in any tax period, the business reduces the total number of full-time employees in its Statewide workforce by more than 20 percent from the number of full-time employees in its Statewide workforce in the last tax accounting or privilege period prior to the credit amount approval under subsection a. of this section, then the business shall forfeit its credit amount for that tax period and each subsequent tax period, until the first tax period for which documentation demonstrating the restoration of the business'

Statewide workforce to the threshold levels required by this paragraph has been reviewed and approved by the authority, for which tax period and each subsequent tax period the full amount of the credit shall be allowed.

(3) If, in any tax period, (a) the number of full-time employees employed by the business at the qualified business facility located in an urban transit hub within an eligible municipality drops below 250, or (b) the number of full-time employees, who are not the subject of intra-State job transfers, pursuant to paragraph (8) of subsection a. of this section, employed by the business at any other business facility in the State, whether or not located in an urban transit hub within an eligible municipality, drops by more than 20 percent from the number of full-time employees in its workforce in the last tax accounting or privilege period prior to the credit amount approval under this section, then the business shall forfeit its credit amount for that tax period and each subsequent tax period, until the first tax period for which documentation demonstrating the restoration of the number of full-time employees employed by the business at the qualified business facility to 250 or an increase above the 20 percent reduction has been reviewed and approved by the authority, for which tax period and each subsequent tax period the full amount of the credit shall be allowed.

(4) (i) If the qualified business facility is sold in whole or in part during the 10-year eligibility period the new owner shall not acquire the capital investment of the seller and the seller shall forfeit all credits for the tax period in which the sale occurs and all subsequent tax periods, provided however that any credits of tenants shall remain unaffected.

(ii) If a tenant subleases its tenancy in whole or in part during the 10-year eligibility period the new tenant shall not acquire the credit of the sublessor, and the sublessor tenant shall forfeit all credits for the tax period of its sublease and all subsequent tax periods.

e. (1) The Executive Director of the New Jersey Economic Development Authority, in consultation with the Director of the Division of Taxation in the Department of the Treasury, shall adopt rules in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as are necessary to implement this act, including but not limited to: examples of and the determination of capital investment; the enumeration of eligible municipalities; specific delineation of urban transit hubs; the determination of the limits, if any, on the expense or type of furnishings that may constitute capital improvements; the promulgation of procedures and forms necessary to apply for a credit, including the enumeration of the certification procedures and allocation of tax credits for different phases of a qualified business facility or mixed use project; and provisions for credit appli-

cants to be charged an initial application fee, and ongoing service fees, to cover the administrative costs related to the credit.

(2) Through regulation, the Economic Development Authority shall establish standards based on the green building manual prepared by the Commissioner of Community Affairs pursuant to section 1 of P.L.2007, c.132 (C.52:27D-130.6), regarding the use of renewable energy, energy-efficient technology, and non-renewable resources in order to reduce environmental degradation and encourage long-term cost reduction.

12. Section 2 of P.L.1996, c.25 (C.34:1B-113) is amended to read as follows:

C.34:1B-113 Definitions relative to business retention and relocation assistance.

2. As used in this act:

"Affiliate" means an entity that directly or indirectly controls, is under common control with, or is controlled by the business. Control exists in all cases in which the entity is a member of a controlled group of corporations as defined pursuant to section 1563 of the Internal Revenue Code of 1986 (26 U.S.C. s.1563) or the entity is an organization in a group of organizations under common control as defined pursuant to subsection (b) or (c) of section 414 of the Internal Revenue Code of 1986 (26 U.S.C. s.414). An entity may establish by clear and convincing evidence, as determined by the Director of the Division of Taxation in the Department of the Treasury, that control exists in situations involving lesser percentages of ownership than required by those statutes;

"Authority" means the New Jersey Economic Development Authority created pursuant to P.L.1974, c.80 (C.34:1B-1 et seq.);

"Business retention or relocation grant of tax credits" or "grant of tax credits" means a grant which consists of the value of corporation business tax credits against the liability imposed pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5) or credits against the taxes imposed on insurers pursuant to P.L.1945, c.132 (C.54:18A-1 et al.), section 1 of P.L.1950, c.231 (C.17:32-15), and N.J.S.17B:23-5, provided to fund a portion of retention and relocation costs pursuant to P.L.1996, c.25 (C.34:1B-112 et seq.);

"Business" means an employer located in this State that has operated continuously in the State, in whole or in part, in its current form or as a predecessor entity for at least 10 years prior to filing an application pursuant to P.L.1996, c.25 (C.34:1B-112 et seq.) and which is subject to the provisions of R.S.43:21-1 et seq. and may include a sole proprietorship, a partnership, or a corporation that has made an election under Subchapter S of

Chapter One of Subtitle A of the Internal Revenue Code of 1986, or any other business entity through which income flows as a distributive share to its owners, limited liability company, nonprofit corporation, or any other form of business organization located either within or outside the State. A business shall include an affiliate of the business if that business applies for a credit based upon any capital investment made by an affiliate or based upon retained full-time jobs of an affiliate;

"Capital investment" means expenses that the business incurs following its submission of an application to the authority pursuant to section 5 of P.L.1996, c.25 (C.34:1B-116), but prior to the Capital Investment Completion Date, as shall be defined in the project agreement, for: (1) the site preparation and construction, renovation, improvement, equipping of, or obtaining and installing fixtures and machinery, apparatus or equipment in, a newly constructed, renovated or improved building, structure, facility, or improvement to real property in this State; and (2) obtaining and installing fixtures and machinery, apparatus or equipment in a building, structure, or facility in this State. Provided however, that "capital investment" shall not include soft costs such as financing and design, furniture or decorative items such as artwork or plants, or office equipment if the office equipment is property with a recovery period of less than five years. The recovery period of any property, for purposes of this section, shall be determined as of the date such property is first placed in service or use in this State by the business, determined in accordance with section 168 of the federal Internal Revenue Code of 1986 (26 U.S.C. s.168). A business that acquires or leases a qualified business facility shall also be deemed to have acquired the capital investment made or acquired by the seller or landlord, as the case may be;

"Certificate of compliance" means a certificate issued by the authority pursuant to section 9 of P.L.1996, c.25 (C.34:1B-120);

"Chief executive officer" means the chief executive officer of the New Jersey Economic Development Authority;

"Commitment duration" means the tax credit term and five years from the end of the tax credit term specified in the project agreement entered into pursuant to section 5 of P.L.1996, c.25 (C.34:1B-116);

"Designated industry" means an industry identified by the authority as desirable for the State to maintain, which may be designated and amended via the promulgation of rules by the authority to reflect changing market conditions;

"Designated urban center" means an urban center designated in the State Development and Redevelopment Plan adopted by the State Planning Commission;

"Eligible position" means a full-time position retained by a business in this State for which a business provides employee health benefits under a group health plan as defined under section 14 of P.L.1997, c.146 (C.17B:27-54), a health benefits plan as defined under section 1 of P.L.1992, c.162 (C.17B:27A-17), or a policy or contract of health insurance covering more than one person issued pursuant to Article 2 of Chapter 27 of Title 17B of the New Jersey Statutes;

"Full-time employee" means a person employed by the business for consideration for at least 35 hours a week, or who renders any other standard of service generally accepted by custom or practice, as determined by the authority, as full-time employment, or a person who is employed by a professional employer organization pursuant to an employee leasing agreement between the business and the professional employer organization, in accordance with P.L.2001, c.260 (C.34:8-67 et seq.) for at least 35 hours a week, or who renders any other standard of service generally accepted by custom or practice, as determined by the authority, as full-time employment, and whose wages are subject to withholding as provided in the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq. or an employee who is a resident of another State but whose income is not subject to the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq. or who is a partner of a business who works for the partnership for at least 35 hours a week, or who renders any other standard of service generally accepted by custom or practice, as determined by the authority, as full-time employment, and whose distributive share of income, gain, loss, or deduction, or whose guaranteed payments, or any combination thereof, is subject to the payment of estimated taxes, as provided in the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq. "Full-time employee" shall not include any person who works as an independent contractor or on a consulting basis for the business;

"New business location" means the premises to which a business will relocate that the business has either purchased or built or for which the business has entered into a purchase agreement or a written lease for a period of no less than the commitment duration or eight years, whichever is greater, from the date of relocation. A "new business location" also means the business's current location or locations if the business makes a capital investment equal to the total value of the business retention or relocation grant of tax credits to the business at that location or locations;

"Program" means the Business Retention and Relocation Assistance Grant Program created pursuant to P.L.1996, c.25 (C.34:1B-112 et seq.);

"Project agreement" means an agreement between a business and the authority that sets the forecasted schedule for completion and occupancy of the project, the date the commitment duration shall commence, the amount and tax credit term of the applicable grant of tax credits, and other such provisions which further the purposes of P.L.1996, c.25 (C.34:1B-112 et seq.);

"Retained full-time job" means an eligible position that currently exists in New Jersey and is filled by a full-time employee but which, because of a potential relocation by the business, is at risk of being lost to another state or country. For the purposes of determining a number of retained full-time jobs, the eligible positions of an affiliate shall be considered the eligible positions of the business;

"Tax credit term" means the period of time commencing with the first issuance of tax credits and continuing during the period in which the recipient of a grant of tax credits is eligible to apply the tax credits pursuant to section 7 of P.L.2004, c.65 (C.34:1B-115.3); and

"Yearly tax credit amount" means \$1,500 times the number of retained full-time jobs. "Yearly tax credit amount" does not include the amount of any bonus award authorized pursuant to section 5 of P.L.2004, c.65 (C.34:1B-115.1).

13. Section 7 of P.L.2004, c.65 (C.34:1B-115.3) is amended to read as follows:

C.34:1B-115.3 Limit on total value of grants of tax credits; approval schedule.

7. a. The total value of the grants of tax credits, approved by the authority pursuant to P.L.1996, c.25 (C.34:1B-112 et seq.), that may be applied against tax liability for any tax period shall not exceed an aggregate annual limit of \$20,000,000. The total value of the grants of tax credits, issued pursuant to P.L.1996, c.25 (C.34:1B-112 et seq.), that a single business may apply against its tax liability shall not exceed an aggregate annual limit of \$10,000,000 in a fiscal year. A tax credit issued pursuant to P.L.1996, c.25 may be applied against liability in the single tax period in which the tax credit or portion of the tax credit may be applied as prescribed by the project agreement and as set forth in subsection b. of this section and shall expire thereafter.

b. Subject to the limitation set forth in subsection a. of this section, grants of tax credits shall be approved for qualifying businesses according to the following schedule, and shall be issued upon the execution and satisfaction of the requirements of the project agreement between the authority and the business with an approved project:

(1) for a project that covers a business relocating or retaining 50 to 250 full-time employees, a grant of tax credits shall be for the yearly tax credit amount plus any applicable bonus award determined pursuant to section 5 of P.L.2004, c.65 (C.34:1B-115.1), and may be applied against liability in the tax period in which the tax credit is issued;

(2) for a project that covers a business relocating or retaining 251 to 400 full-time employees, a grant of tax credits shall be for two times the yearly tax credit amount plus any applicable bonus award determined pursuant to section 5 of P.L.2004, c.65 (C.34:1B-115.1), and may be applied against liability in the tax period in which the tax credit is issued and the following tax period, for one-half of the total grant award per tax period, provided that the use of the credit must be accompanied by a certificate of compliance;

(3) for a project that covers a business relocating or retaining 401 to 600 full-time employees, a grant of tax credits shall be for three times the yearly tax credit amount plus any applicable bonus award determined pursuant to section 5 of P.L.2004, c.65 (C.34:1B-115.1) and may be applied against liability in the tax period in which the tax credit is issued and the following two tax periods, for one-third of the total grant award per tax period, provided that the use of the credit must be accompanied by a certificate of compliance;

(4) for a project that covers a business relocating or retaining 601 to 800 full-time employees, a grant of tax credits shall be for four times the yearly tax credit amount plus any applicable bonus award determined pursuant to section 5 of P.L.2004, c.65 (C.34:1B-115.1) and may be applied against liability in the tax period in which the tax credit is issued and the following three tax periods, for one-fourth of the total grant award per tax period, provided that the use of the credit must be accompanied by a certificate of compliance;

(5) for a project that covers a business relocating or retaining 801 to 1,000 full-time employees, a grant of tax credits shall be for five times the yearly tax credit amount plus any applicable bonus award determined pursuant to section 5 of P.L.2004, c.65 (C.34:1B-115.1) and may be applied against liability in the tax period in which the tax credit is issued and the following four tax periods for one-fifth of the total grant award per tax period, provided that the use of the credit must be accompanied by a certificate of compliance; and

(6) for a project that covers a business relocating or retaining 1,001 or more full-time employees, a grant of tax credits shall be for six times the yearly tax credit amount plus any applicable bonus award determined pur-

suant to section 5 of P.L.2004, c.65 (C.34:1B-115.1) and may be applied against liability in the tax period in which the tax credit is issued and the following five tax periods, for one-sixth of the total grant award per tax period, provided that the use of the credit must be accompanied by a certificate of compliance.

c. If the approval of a grant of tax credits pursuant to this section would exceed the \$20,000,000 aggregate annual limit, the authority may award a smaller grant of tax credits or no grants of tax credits, as necessary to comply with the aggregate annual limit.

14. Section 17 of P.L.2004, c.65 (C.34:1B-120.2) is amended to read as follows:

C.34:1B-120.2 Corporation business tax, insurance premiums tax credits.

17. a. The authority shall establish a corporation business tax credit and insurance premiums tax credit certificate transfer program to allow businesses in this State with unused amounts of tax credits issued under P.L.1996, c.25 (C.34:1B-112 et seq.), and otherwise allowable, that cannot be applied by the business to which originally issued before the expiration of the credit, to surrender those tax credits for use by other corporation business and insurance premiums taxpayers in this State. The tax credits may be used on the corporation business tax and insurance premiums tax returns to be filed by those taxpayers in exchange for private financial assistance to be provided by the corporation business taxpayer or insurance premiums taxpayer that is the recipient of the corporation business tax credit certificate or insurance premiums tax credit certificate to assist in the funding of costs incurred by the relocating business.

b. Businesses may apply to the executive director of the authority and the Director of the Division of Taxation for a tax credit transfer certificate, covering one or more years. Upon receipt thereof, the business may sell or assign the tax credit certificate in exchange for private financial assistance to be made by the purchaser in an amount equal to at least 75% of the amount of the surrendered tax credit of a business relocating in the State. The private financial assistance shall assist in funding expenses incurred in connection with the operation of the business in the State, including but not limited to the expenses of fixed assets, such as the construction and acquisition and development of real estate, materials, start-up, tenant fit-out, working capital, salaries, research and development expenditures and any other expenses determined by the authority to be necessary to carry out the purposes of P.L.1996, c.25 (C.34:1B-112 et seq.).

c. The authority shall establish procedures to facilitate such transfers and encourage liquidity and simplicity in the market for the purchase and sale of such certificates, including, in the authority's discretion, coordinating the applications for surrender and acquisition of unused but otherwise allowable tax credits pursuant to this section in a manner that can best stimulate and encourage the extension of private financial assistance to businesses in this State.

d. The authority shall, in consultation with the Director of the Division of Taxation, develop criteria for the approval or disapproval of applications.

Repealer.

15. Section 6 of P.L.1996, c.25 (C.34:1B-117) is repealed.

16. This act shall take effect immediately.

Approved January 5, 2012.

CHAPTER 150

AN ACT concerning guidance offered under the "Local Government Ethics Law" on potential conflict of interests for certain members of the governing body of a municipality wherein a casino is located and amending P.L.2009, c.26.

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

1. Section 3 of P.L.2009, c.26 (C.52:13D-17.3) is amended to read as follows:

C.52:13D-17.3 Employment with casino permitted for certain members of municipal governing body; guidance offered.

3. Notwithstanding the provisions of section 4 of P.L.1981, c.142 (C.52:13D-17.2), a member of the governing body of a municipality wherein a casino is located, other than the mayor, and a member of the immediate family thereof, may hold employment with the holder of, or applicant for, a casino license, or any holding or intermediary company with respect thereto, while serving in that elective office and thereafter, if that member of the governing body, or member of the immediate family thereof,

held that specific employment when that member of the governing body took office. Notwithstanding any provision of the "Local Government Ethics Law," P.L.1991, c.29 (C.40A:9-22.1 et seq.) to the contrary, such a member or member-elect of the governing body shall request the Local Finance Board in the Division of Local Government Services in the Department of Community Affairs to provide guidance in the form of a written advisory opinion, pursuant to the "Local Government Ethics Law," regarding any potential conflict of interest that may arise as a result of the employment described herein while serving on the governing body. Any advisory opinion issued under the "Local Government Ethics Law" for this purpose shall be a government record, as defined in section 1 of P.L.1995, c.23 (C.47:1A-1.1), that is accessible to the public and shall not be confidential. The Local Finance Board may adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), any rules and regulations necessary to implement the provisions of this section.

2. This act shall take effect immediately.

Approved January 5, 2012.

CHAPTER 151

AN ACT concerning higher education information for veterans and supplementing chapter 62 of Title 18A and 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.18A:62-52 Website to provide information on educational benefits for veterans.

1. A public institution of higher education shall provide a link on its website to access information on federal and State educational benefits available to veterans. The link shall be placed in a prominent location on the website and its content shall be in accordance with guidelines of the New Jersey Secretary of Higher Education.

C.38A:3-46 Website to provide access to information about institutions of higher education for veterans.

2. The Department of Military and Veterans' Affairs shall provide a link on its website to access the directory of public and independent institu-

tions of higher education located on the website of the New Jersey Secretary of Higher Education. The link shall be placed on the page of the department's website that lists the education benefits available to veterans.

3. This act shall take effect immediately.

Approved January 5, 2012.

CHAPTER 152

AN ACT concerning the display of prices by retail motor fuel dealers and amending P.L.1952, c.258.

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

1. Section 3 of P.L.1952, c.258 (C.56:6-2.3) is amended to read as follows:

C.56:6-2.3 Case for displaying prices; manner of stating prices.

3. No retail dealer shall sell or offer for sale any motor fuel without having a. attached by a suitable bracket or slot arrangement in a manner regulated by the Director of the Division of Taxation to each pump or other dispensing equipment from which motor fuel is sold or offered for sale a weather-proof case of such dimensions as shall be prescribed by the director, or b. displayed by a sign or signs located on the premises and visible from any adjacent roadway in a manner and of such dimensions as shall be prescribed by the director, or c. both, as the director may prescribe, stating the price per gallon, or the price per gallon and per liter, at which motor fuel may be purchased from such pumps or other dispensing equipment. The price signs shall show the unit price per gallon, or if sold by the liter the unit price per gallon and the unit price per liter. If sold by the liter, the price per gallon shall be located on the top half of the sign and the price per liter shall be located on the bottom half of the sign on differing background colors, such colors to be designated by the director. Such unit price shall include all taxes imposed, whether State or Federal. Beneath the unit price there shall be either the statement:

"Includes (insert the tax per gallon) N.J.Tax-- (insert the tax per gallon) Federal Tax," "Includes State and Federal Taxes," "Includes N.J. and U.S. Taxes," or "Includes all Taxes."

The colors of all price signs shall be of such combination that the sign may be easily read by any person purchasing motor fuel from the pump or other dispensing equipment to which the sign is attached. Any figure or fraction used in any price computing mechanism constituting a part of a computing pump or any other dispensing equipment shall not be considered a price sign under the provisions of this section.

Price signs displayed in accordance with the provisions of subsection b. of this section shall include the price per gallon, or the price per gallon and per liter, for both cash and credit card purchases of motor fuel.

2. This act shall take effect on the 120th day following enactment.

Approved January 5, 2012.

CHAPTER 153

AN ACT concerning fire district budgets and amending P.L.1979, c.453.

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

1. Section 9 of P.L.1979, c.453 (C.40A:14-78.5) is amended to read as follows:

C.40A:14-78.5 Adoption of budget amendments.

9. a. If at the annual election held pursuant to N.J.S.40A:14-72 the question of finally adopting the budget is voted affirmatively upon by a majority of the legal voters voting in the election, the budget shall be considered finally adopted, and the board of fire commissioners shall certify the amount to be raised by taxation to support the district budget to the assessor of the municipality, pursuant to N.J.S.40A:14-79.

b. If at the annual election the question of finally adopting the budget is voted negatively upon by a majority of the legal voters voting in the election, the governing body of the municipality in which the fire district is located shall, by resolution of a majority of its full membership, within 30 days after the annual election and after a public hearing for which the legal voters of the fire district shall be given 5 days' advertised notice, and at which any interested person shall be heard, fix an annual budget for the fire district. The amount of each appropriation section of the budget so fixed shall not exceed

the amount for each as previously voted upon at the annual election, except the appropriation for debt service which shall be included in the amount that is required to be paid. The governing body shall certify the amount to be raised by taxation to support the district budget as set forth in the final budget, to the assessor of the municipality, pursuant to N.J.S.40A:14-79.

c. Following the approval of a budget by the voters, the Director of the Division of Local Government Services in the Department of Community Affairs may approve a budget amendment to provide for the anticipation of revenue from a public or private funding source which was not known at the time the budget was approved, and the appropriation thereof, provided the amount of the appropriation does not exceed the amount of the revenue received.

2. This act shall take effect immediately.

Approved January 5, 2012.

CHAPTER 154

AN ACT concerning unemployment insurance benefits, amending P.L.2007, c.212 and R.S.43:21-4 and supplementing chapter 21 of Title 43 of the Revised Statutes.

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

C.43:21-20.3 Definitions relative to unemployment insurance benefits.

1. For the purposes of this act:

“Division” means the Division of Unemployment and Temporary Disability Insurance of the Department of Labor and Workforce Development.

“Full-time hours” means not less than 30 and not more than 40 hours per week.

“Shared work employer” means an employer who is providing a shared work program approved by the division pursuant to section 2 of this act.

“Short-time benefits” means benefits that are intended to be in lieu of temporary layoffs and provided pursuant to sections 1 through 9 of this act.

C.43:21-20.4 Application to provide shared work program.

2. An employer who has not less than 10 employees, who are each employed for not less than 1,500 hours per year, may apply to the division

for approval to provide a shared work program, the purpose of which is to stabilize the employer's work force during a period of economic disruption by permitting the sharing of the work remaining after a reduction in total hours of work. Any subsidizing of seasonal employment during off season, of employers who traditionally use part-time employees, or of temporary part-time or intermittent employment on an ongoing basis, is contrary to the purpose of a shared work program approved pursuant to this act. The application for a shared work program shall be made according to procedures and on forms specified by the division and shall include whatever information the division requires. The division may approve the program for a period of one year and may, upon employer request, renew the approval of the program annually. The division shall not approve an application unless the employer:

- a. Certifies to the division that it will not hire additional part-time or full-time employees while short-time benefits are being paid;
- b. Agrees with the division not to reduce health insurance or pension coverage, paid time off, or other benefits provided to participating employees before the application was made, or make unreasonable revisions of workforce productivity standards;
- c. Certifies to the division that any collective bargaining agent representing the employees has entered into a written agreement with the employer regarding the terms of the program, including terms regarding attendance in training programs while receiving short-time benefits, and provides a copy of the agreement to the division; and
- d. Agrees to provide the division with whatever information the division deems necessary to administer the shared work program and monitor compliance with all agreements and certifications required pursuant to this section.

C.43:21-20.5 Revocation of approval.

3. The division may revoke approval of an employer's application previously granted for good cause shown, including any failure to comply with any agreement or certification required pursuant to section 2 of this act or other conduct or occurrences which the division determines to defeat the purpose, intent and effective operation of a shared work program.

C.43:21-20.6 Eligibility for short-time benefits.

4. An individual who is employed by an employer with a shared work program approved by the division shall be eligible for short-time benefits during a week if:

- a. The individual was employed by the employer for not less than 1,500 hours during the individual's base year;
- b. The individual works for the employer less than the individual's normal full-time hours during the week, and the employer has reduced the individual's weekly hours of work pursuant to a shared work program approved by the division pursuant to section 2 of this act;
- c. The percentage of the reduction of the individual's work hours below the individual's normal full-time hours during a week is not less than 10%, with a corresponding reduction of wages;
- d. The individual would be eligible for unemployment benefits other than short-time benefits during the week, if the individual was entirely unemployed during that week and applied for unemployment benefits other than short-time benefits; and
- e. During the week, the individual is able to work and is available to work the individual's normal full-time hours for the shared work employer or is attending a training program which is in compliance with the provisions of paragraph (4) of subsection (c) of R.S.43:21-4 and the agreements and certifications required pursuant to the provisions of section 2 of this act.

C.43:21-20.7 Amount of short-time benefits paid.

5. The amount of short-time benefits paid to an eligible individual shall, for any week, be equal to the individual's weekly benefit rate multiplied by the percentage of reduction of his wages resulting from reduced hours of work. The weekly benefit amount shall be rounded off to the nearest dollar. An individual shall not be paid short-time benefits in excess of 26 weeks during a benefit year, but the weeks may be nonconsecutive. An individual shall not receive short-time benefits during any benefit week in which the individual receives any other unemployment benefits.

Total unemployment benefits paid to an individual during any benefit year, including short-time benefits and all other unemployment benefits, shall not exceed the maximum amount to which the individual is entitled for all unemployment benefits other than short-time benefits.

C.43:21-20.8 Beginning of payment of benefits.

6. A shared work program and payment of short-time benefits to individuals under the program shall begin with the first week following approval of an application by the division or the first week specified by the employer, whichever is later.

C.43:21-20.9 Benefits paid charged to employer's account.

7. All short-time benefits paid to an individual shall be charged to the account of the shared work employer by which the individual is employed while receiving the short-time benefits. If the shared work employer is liable for payments in lieu of contributions in the case of other unemployment benefits, that employer shall be liable for payments in lieu of contributions for the entire amount of the short-time benefits paid.

C.43:21-20.10 Report to Legislature.

8. The Commissioner of Labor and Workforce Development, three years after the effective date of this act, shall submit a report to the Legislature assessing the implementation of this act and its impact on the State Unemployment Compensation Fund, evaluating the effectiveness of shared work programs approved by the division pursuant to this act, and making any recommendations for appropriate legislative or administrative action necessary to further the purposes of this act.

C.43:21-20.11 Law inoperative if in violation of federal law.

9. If the United States Department of Labor finds any provision of this act to be in violation of federal law, all provisions of this act shall be inoperative.

10. Section 5 of P.L.2007, c.212 (C.34:21-5) is amended to read as follows:

C.34:21-5 Establishment of response team.

5. a. There is established, in the Department of Labor and Workforce Development, a response team. The purpose of the response team is to provide appropriate information, referral and counseling, as rapidly as possible, to workers who are, or may be, subject to plant closings or mass layoffs, and the management of establishments where those workers are or were employed.

b. In the case of each transfer or termination of the operations in an establishment which results in the termination of 50 or more employees, the response team shall:

(1) Offer to meet with the representatives of the management of the establishment to discuss available public programs which may make it possible to delay or prevent the transfer or termination of operations, including economic development incentive and workforce development programs, shared work unemployment compensation benefit programs, and coordinated utilization of any of those programs which are applicable;

(2) Meet on site with workers and provide information, referral and counseling regarding:

(a) Available public programs which may make it possible to delay or prevent the transfer or termination of operations, including economic development incentive and workforce development programs, shared work unemployment compensation benefit programs, and coordinated utilization of any of those programs which are applicable;

(b) Public programs or benefits which may be available to assist the employees, including, but not limited to, unemployment compensation benefits, job training or retraining programs, and job search assistance; and

(c) Employee rights based on this act or any other law which applies to the employees with respect to wages, severance pay, benefits, pensions or other terms of employment as they relate to the termination of employment; and

(3) Seek to facilitate cooperation between representatives of the management and employees at the establishment to most effectively utilize available public programs which may make it possible to delay or prevent the transfer or termination of operations or to assist employees if it is not possible to prevent the termination.

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

Benefit eligibility conditions.

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

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

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

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

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

(3) No individual, who is otherwise eligible, shall be deemed ineligible, or unavailable for work, because the individual is on vacation, without pay, during said week, if said vacation is not the result of the individual's own action as distinguished from any collective action of a collective bargaining agent or other action beyond the individual's control.

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

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

(i) The training is for a labor demand occupation and is likely to enhance the individual's marketable skills and earning power, except that the training may be for an occupation other than a labor demand occupation if the individual is receiving short-time benefits pursuant to the provisions of P.L.2011, c.154 (C.43:21-20.3 et al.) and the training is necessary to prevent a likely loss of jobs;

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

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

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

(v) The individual enrolls in vocational training, remedial education or a combination of both on a full-time basis, except that the training or education may be on a part-time basis if the individual is receiving short-time benefits pursuant to the provisions of P.L.2011, c.154 (C.43:21-20.3 et al.).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) An individual who is employed by a shared work employer and is otherwise eligible for benefits shall not be deemed ineligible for short-time benefits because the individual is unavailable for work with employers other than the shared work employer, so long as:

(A) The individual is able to work and is available to work the individual's normal full-time hours for the shared work employer; or

(B) The individual is attending a training program which is in compliance with the provisions of paragraph (4) of subsection (c) of this section and the agreements and certifications required pursuant to the provisions of section 2 of P.L.2011, c.154 (C.43:21-20.4).

(d) With respect to any benefit year commencing before January 1, 2002, the individual has been totally or partially unemployed for a waiting period of one week in the benefit year which includes that week. When benefits become payable with respect to the third consecutive week next following the waiting period, the individual shall be eligible to receive benefits as appropriate with respect to the waiting period. No week shall be counted as a week of unemployment for the purposes of this subsection:

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

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

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

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

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

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

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

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

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

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

(B) If the individual has not met the requirements of subparagraph (A) of this paragraph (4), earned remuneration not less than an amount 1,000 times the minimum wage in effect pursuant to section 5 of P.L.1966, c.113 (C.34:11-56a4) on October 1 of the calendar year preceding the calendar year in which the benefit year commences, which amount shall be adjusted to the next higher multiple of \$100 if not already a multiple thereof.

(5) With respect to benefit years commencing on or after January 7, 2001, notwithstanding the provisions of paragraph (4) of this subsection, an unemployed individual claiming benefits on the basis of service performed in the production and harvesting of agricultural crops shall, subject to the limitations of subsection (i) of R.S.43:21-19, be eligible to receive benefits if during his base year, as defined in subsection (c) of R.S.43:21-19, the individual:

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

(B) Has earned remuneration not less than an amount 1,000 times the minimum wage in effect pursuant to section 5 of P.L.1966, c.113 (C.34:11-56a4) on October 1 of the calendar year preceding the calendar year in which the benefit year commences, which amount shall be adjusted to the next higher multiple of \$100 if not already a multiple thereof; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Benefit payments under this subsection (f) shall be charged to and paid from the State disability benefits fund established by the "Temporary

Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et al.), and shall not be charged to any employer account in computing any employer's experience rate for contributions payable under this chapter.

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

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

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

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

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

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

(i) (1) Benefits shall not be paid on the basis of services performed by an alien unless such alien is an individual who was lawfully admitted for permanent residence at the time the services were performed and was lawfully present for the purpose of performing the services or otherwise was permanently residing in the United States under color of law at the time the services were performed (including an alien who is lawfully present in the United States as a result of the application of the provisions of section 212(d)(5) (8 U.S.C. s.1182 (d)(5)) of the Immigration and Nationality Act (8 U.S.C. s.1101 et seq.)); provided that any modifications of the provisions of section 3304(a)(14)) of the Federal Unemployment Tax Act (26 U.S.C. s. 3304 (a) (14) as provided by Pub.L.94-566, which specify other conditions or other effective dates than stated herein for the denial of benefits based on services performed by aliens and which modifications are required to be implemented under State law as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act, shall be deemed applicable under the provisions of this section.

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

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

(j) Notwithstanding any other provision of this chapter, the director may, to the extent that it may be deemed efficient and economical, provide for consolidated administration by one or more representatives or deputies

of claims made pursuant to subsection (f) of this section with those made pursuant to Article III (State plan) of the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et al.).

12. This act shall take effect on the first day of the seventh month following the date of enactment.

Approved January 5, 2012.

CHAPTER 155

AN ACT establishing an ovarian cancer public awareness campaign and supplementing Title 26 of the Revised Statutes.

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

C.26:2-184.1 Findings, declarations relative to an ovarian cancer public awareness campaign.

1. The Legislature finds and declares that:

a. Ovarian cancer causes more deaths than any other cancer of the female reproductive system; it ranks fourth as a cause of cancer deaths among women in the United States;

b. In the United States, from 1993 to 1997, the rate of new cases of ovarian cancer was 14.6 and the rate of mortality from ovarian cancer was 7.3 for every 100,000 women; in New Jersey, during the same period, the rate of new cases of ovarian cancer was 16.1 and the rate of mortality was 8.6 for every 100,000 women;

c. When ovarian cancer is found and treated in its earliest stages, the five-year survival rate is 95%; however, most women who suffer from ovarian cancer are not diagnosed until the later stages of the cancer when the disease has spread and the five-year survival rate decreases to 30%;

d. More than half of the deaths from ovarian cancer occur in women between the ages of 55 and 74 years of age and approximately one quarter of ovarian cancer deaths occur in women between 35 and 54 years of age;

e. Because early detection and treatment often mean the difference between life and death, it is important to increase awareness of the factors that put certain women at a higher risk for the disease: increased age; having a personal history of breast cancer or a family history of breast, ovarian, uterine, colon or other gastrointestinal cancers; and bearing no children;

f. The symptoms of ovarian cancer include: general abdominal discomfort or pain, such as gas, indigestion, pressure, swelling, bloating or cramps; nausea, diarrhea, constipation or frequent urination; loss of appetite; feeling of fullness after a light meal; weight gain or loss with no known reason; and abnormal bleeding from the vagina;

g. Because these symptoms are vague and non-specific, women and their physicians often attribute them to more common conditions so that by the time the cancer is diagnosed the tumor has often spread beyond the ovaries; and

h. Although development of a screening test to detect ovarian cancer remains a very active area of research, currently there is no definitive prevention strategy, but having regular pelvic examinations may decrease the overall risk of dying from ovarian cancer.

C.26:2-184.2 Establishment of public awareness campaign.

2. a. The Commissioner of Health and Senior Services shall establish a public awareness campaign to inform the general public about the clinical significance of ovarian cancer and its public health implications. The campaign shall include, at a minimum, risk factors, symptoms, the need for early detection and methods of treatment.

b. The commissioner shall, at a minimum:

(1) provide for the development of printed educational materials and public service announcements in English and Spanish; and

(2) disseminate information for distribution to the public, through a variety of entities, including, but not limited to, local health agencies and clinics, physicians, health care facilities, county offices on aging, pharmacies, libraries, senior citizen centers, other community-based outreach programs and organizations, and the Department of Health and Senior Services' official website.

3. This act shall take effect immediately.

Approved January 5, 2012.

CHAPTER 156

AN ACT concerning the use of service animals by certain students and supplementing chapter 46 of Title 18A of the New Jersey Statutes.

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

C.18A:46-13.2 Findings, declarations relative to the use of service animals by certain students.

1. The Legislature finds and declares that: service animals have a long history of performing crucial tasks and fulfilling a significant role in the daily activities of many people with physical disabilities; in addition to their traditional roles, service animals can be trained to be a calming influence and provide a connection to the familiar in unfamiliar surroundings for students with autism or other developmental disabilities; under the federal Americans with Disabilities Act of 1990, service animals are permitted in schools, other public areas, and places of public accommodation; allowing a student with autism or other disability to bring a service animal to class and on school grounds will enhance the learning process and help the student reach his full academic potential.

C.18A:46-13.3 Permitted access for service animals in school buildings.

2. a. A student with a disability, including autism, shall be permitted access for a service animal in school buildings, including the classroom, and on school grounds.

b. A school official may inquire as to whether the service animal is required due to a disability and what task or work the service animal has been trained to perform, unless the student's disability and the work or task that the service animal will perform are readily apparent. A school official may require: (1) certification from a veterinarian that the service animal is properly vaccinated and does not have a contagious disease that may harm students or staff; and (2) documentation that any license required by the municipality in which the student resides has been obtained for the service animal.

c. The service animal shall be under a handler's control at all times by use of a leash, tether, voice control, signal, or other suitable means. The school shall not be responsible or liable for the care or supervision of the service animal. The school shall provide reasonable accommodations to allow the handler to provide for the care and feeding of the service animal while on school grounds or at a school function.

3. This act shall take effect immediately.

Approved January 5, 2012.

CHAPTER 157

AN ACT establishing the New Jersey Multiple Sclerosis Task Force.

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

1. The Legislature finds and declares that:

a. Multiple sclerosis (MS) is a chronic, often disabling disease that attacks the central nervous system, which is comprised of the brain, spinal cord, and optic nerves. It is a disease in which the body, through its immune system, launches a defensive and damaging attack against its own tissues. MS damages the nerve-insulating myelin sheath that surrounds and protects the brain. The damage to the myelin sheath slows down or blocks messages between the brain and the body;

b. Most people experience their first symptoms of MS between the ages of 20 and 40. MS symptoms can include visual disturbances, muscle weakness, trouble with coordination and balance, sensations such as numbness, prickling or “pins and needles,” and thought and memory problems. MS patients can also experience partial or complete paralysis, speech impediments, tremors, dizziness, stiffness and spasms, fatigue, paresthesias, pain, and loss of sensation;

c. The cause of MS remains unknown; however, having a first-degree relative, such as a parent or sibling, with MS significantly increases a person’s risk of developing the disease. According to the National Institute of Neurological Disorders and Stroke, it is estimated that there are approximately 250,000 to 350,000 persons in the United States who are diagnosed with MS. This estimate suggests that approximately 200 new cases are diagnosed each week;

d. Presently there is no cure for MS. While some scientists look for therapies that will affect the overall course of the disease, others search for new and better medications to control the symptoms of MS without triggering intolerable side effects; and

e. Therefore, it is in the public interest for the State to establish a Multiple Sclerosis Task Force in order to identify and address the unmet needs of persons with MS, and develop ways to enhance their quality of life.

2. a. There is established the New Jersey Multiple Sclerosis Task Force in the Department of Health and Senior Services.

The purpose of the task force shall be to:

(1) develop strategies to identify and address the unmet needs of persons with MS in order to enhance the quality of life of persons with MS by

maximizing productivity and independence, and addressing emotional, social, and vocational challenges of persons with MS; and

(2) develop strategies to provide persons with MS greater access to various treatments and other therapeutic options that may be available.

b. The task force shall consist of 14 members as follows:

(1) the Commissioners of Health and Senior Services and Human Services, or their designees, who shall serve ex officio;

(2) eight public members, who shall be appointed by the Governor as follows: two neurologists licensed to practice medicine in this State; one person upon the recommendation of the National Multiple Sclerosis Society-New Jersey Metro Chapter; one person upon the recommendation of the National Multiple Sclerosis Society-Greater Delaware Valley Chapter; two persons who represent agencies that provide services or support to individuals with MS in this State; and two persons who have MS; and

(3) four public members with demonstrated expertise in issues relating to the work of the task force, one each to be appointed by the President of the Senate, the Senate Minority Leader, the Speaker of the General Assembly, and the Assembly Minority Leader. Vacancies in the membership of the task force shall be filled in the same manner provided for the original appointments.

c. The task force shall organize within 120 days following the appointment of a majority of its members and shall select a chairperson and vice-chairperson from among the members. The chairperson shall appoint a secretary who need not be a member of the task force.

d. The public members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties and within the limits of funds available to the task force.

e. The task force shall be entitled to call to its assistance and avail itself of the services of the employees of any State, county or municipal department, board, bureau, commission or agency as it may require and as may be available to it for its purposes.

f. The task force may meet and hold hearings as it deems appropriate.

g. The Department of Health and Senior Services shall provide staff support to the task force.

3. The task force shall report its findings and recommendations to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), along with any legislative bills that it desires to recommend for adoption by the Legislature, no later than 12 months after the initial meeting of the task force.

4. This act shall take effect immediately and shall expire upon the issuance of the task force report.

Approved January 5, 2012.

CHAPTER 158

AN ACT concerning police training and amending P.L.1961, c.56.

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

1. Section 3 of P.L.1961, c.56 (C.52:17B-68) is amended to read as follows:

C.52:17B-68 Authority to require training of police officers prior to permanent appointment; exception.

a. Every municipality and county shall authorize attendance at an approved school by persons holding a probationary appointment as a police officer, and every municipality and county shall require that no person shall hereafter be given or accept a permanent appointment as a police officer unless such person has successfully completed a police training course at an approved school; provided, however, that the commission may, in its discretion, except from the requirements of this section any person who demonstrates to the commission's satisfaction that he has successfully completed a police training course conducted by any Federal, State or other public or private agency, the requirements of which are substantially equivalent to the requirements of this act.

b. A police officer who is terminated from an agency for reasons of economy or efficiency shall be granted an exemption or waiver from retaking the basic training course if, within five years from the date of termination, the police officer is appointed to a similar law enforcement position in another agency or is reemployed by the agency from which he was terminated.

2. This act shall take effect immediately.

Approved January 5, 2012.

CHAPTER 159

AN ACT concerning penalties applicable under the State's saltwater fishing registry program, and amending P.L.2011, c.23.

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

1. Section 1 of P.L.2011, c.23 (C.23:2B-22) is amended to read as follows:

C.23:2B-22 Registry program for saltwater recreational anglers; violations, penalties.

1. a. The commissioner, in consultation with the Marine Fisheries Council, shall establish and implement a registry program for saltwater recreational anglers, which program shall provide for:

(1) the registration, including the name, date of birth, address, telephone number, and other identification and contact information determined to be necessary by the department pursuant to federal requirements, of individuals who engage in recreational fishing:

(a) in the Exclusive Economic Zone;

(b) for anadromous species;

(c) for Continental Shelf fishery resources beyond the Exclusive Economic Zone; or

(d) in the tidal waters of the State; and

(2) the registration, including the ownership, operator, and identification of the vessel, or vessels used in such fishing.

b. (1) The registry program established pursuant to this section shall be fully consistent with the registry program to be established pursuant to section 201 of Title II of the "Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006," Pub.L.109-479 (16 U.S.C. s.1881).

(2) Upon establishment of the registry program pursuant to this section, the commissioner shall apply to the Secretary of the United States Department of Commerce to obtain State exemption from federal registry program requirements.

c. The department shall not charge a fee for the registration required pursuant to this section.

d. A person who is under 16 years of age or a customer fishing from a state-licensed or federally permitted for-hire vessel shall not be required to register pursuant to this section.

e. Any person who is required to register pursuant to paragraph (1) of subsection a. of this section, and who fails to register in accordance with established registry program requirements, shall be subject to a fine of \$25 for the first offense and \$50 for any subsequent offense. An owner or operator of a state-licensed or federally permitted for-hire vessel who is required to register pursuant to paragraph (2) of subsection a. of this section and who fails to register in accordance with the established registry program requirements shall be subject to a fine of \$100 for the first offense and \$200 for any subsequent offense. Any penalty imposed pursuant to this subsection shall be collected in the manner specified in paragraph (2) of subsection a. of section 73 of P.L.1979, c.199 (C.23:2B-14). However, no other provisions of section 73 of P.L.1979, c.199 (C.23:2B-14) shall be applicable in the event that a person fails to comply with the requirements established under this section.

f. In order to facilitate and promote increased awareness of, or compliance with, registry program requirements, the department shall: (1) post information about the registry program and its requirements in a conspicuous place on the department's Internet website; and (2) develop and disseminate informational materials, including, but not limited to, pamphlets and posters, which identify the program's requirements, any relevant compliance deadlines, the available methods for attaining compliance, the penalties for non-compliance, and any other relevant program details.

In disseminating the materials developed pursuant to this subsection, the department shall provide informational pamphlets or other appropriate materials to the State's conservation officers, for distribution to individuals engaged in recreational fishing activities; and it shall provide informational posters, signs, pamphlets, and other appropriate materials to the State's bait and tackle shops, for display therein, and for distribution to bait and tackle consumers.

g. Any non-resident of New Jersey who is engaged in recreational fishing activities in this State shall be exempt from compliance with the State's registry program requirements if the person is registered under another state's registry program and the state in which the person is registered provides reciprocal exemption from its own registration requirements for persons who are registered under this State's registry program.

2. This act shall take effect immediately.

Approved January 5, 2012.

CHAPTER 160

AN ACT concerning certain financial agreements and supplementing P.L.1992, c.65 (C.17B:32-31 et seq.).

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

C.17B:32-92 Rights relative to certain financial agreements; terms defined.

1. a. (1) Notwithstanding any other provision of the "Life and Health Insurers Rehabilitation and Liquidation Act," P.L.1992, c.65 (C.17B:32-31 et seq.) to the contrary, a person shall not be stayed or prohibited from exercising:

(a) A contractual right to cause the termination, liquidation, acceleration or close out of any obligation under or in connection with a netting agreement or qualified financial contract with an insurer because of: (i) the insolvency, financial condition or default of the insurer at any time, provided that the right is enforceable under applicable law other than the provisions of P.L.1992, c.65 (C.17B:32-31 et seq.); or (ii) the commencement of a formal delinquency proceeding under P.L.1992, c.65 (C.17B:32-31 et seq.);

(b) Any right under a security arrangement relating to one or more netting agreements or qualified financial contracts; or

(c) Subject to subsection b. of section 29 of P.L.1992, c.65 (C.17B:32-59), any right to setoff or net out any termination value, payment amount, or other transfer obligation arising under or in connection with one or more netting agreements or qualified financial contracts where the counterparty or its guarantor is organized under the laws of the United States, a state, or a foreign jurisdiction approved by the Securities Valuation Office of the National Association of Insurance Commissioners as eligible for netting.

(2) If a counterparty to a master netting agreement or a qualified financial contract with an insurer subject to a proceeding under P.L.1992, c.65 (C.17B:32-31 et seq.) terminates, liquidates, closes out or accelerates the agreement or contract, damages shall be measured as of the date or dates of termination, liquidation, close out or acceleration. The amount of a claim for damages shall be actual direct compensatory damages.

b. Upon termination of a netting agreement or qualified financial contract, the net or settlement amount, if any, owed by a non-defaulting party to an insurer against which a petition has been filed pursuant to P.L.1992, c.65 (C.17B:32-31 et seq.) shall be transferred to the receiver for the insurer or as directed by the receiver for the insurer, even if the insurer is the de-

faulting party, notwithstanding any walkaway clause in the netting agreement or qualified financial contract. Any limited two-way payment or first method provision in a netting agreement or qualified financial contract with an insurer that has defaulted shall be deemed to be a full two-way payment or second method provision as against the defaulting insurer. Any such net or settlement amount shall, except to the extent it is subject to one or more secondary liens or encumbrances or rights of netting or setoff, be an asset of the insurer.

c. In making any transfer of a netting agreement or qualified financial contract of an insurer subject to a proceeding under P.L.1992, c.65 (C.17B:32-31 et seq.), the receiver shall either:

(1) Transfer to one party, other than an insurer subject to a proceeding under P.L.1992, c.65 (C.17B:32-31 et seq.), all netting agreements and qualified financial contracts between a counterparty or any affiliate of such counterparty and the insurer that is the subject of the proceeding, including: (a) all rights and obligations of each party under each such netting agreement and qualified financial contract; and (b) all property, including any guarantees or credit support documents, securing any claims of each party under each such netting agreement and qualified financial contract; or

(2) Transfer none of the netting agreements, qualified financial contracts, rights, obligations, or property referred to in subparagraph (b) of paragraph (1) of this subsection with respect to such counterparty and any affiliate of such counterparty.

d. If a receiver for an insurer makes a transfer of one or more netting agreements or qualified financial contracts, then the receiver shall use his or her best efforts to notify any person who is party to the netting agreements or qualified financial contracts of the transfer by 12 o'clock noon, the receiver's local time, on the business day following the transfer. For purposes of this subsection, "business day" means a day other than a Saturday, a Sunday, or any day on which either the New York Stock Exchange or the Federal Reserve Bank of New York is closed.

e. Notwithstanding any other provision of P.L.1992, c.65 (C.17B:32-31 et seq.), a receiver may not avoid a transfer of money or other property arising under or in connection with a netting agreement or qualified financial contract or any security arrangement relating to a netting agreement or qualified financial contract that is made before the commencement of a formal delinquency proceeding under P.L.1992, c.65 (C.17B:32-31 et seq.), except that a transfer may be avoided under section 25 of P.L.1992, c.65 (C.17B:32-55) if the transfer was made with actual intent to hinder, delay,

or defraud the insurer, a receiver appointed for the insurer, or existing or future creditors.

f. (1) In exercising any rights of disaffirmance or repudiation of a receiver with respect to any netting agreement or qualified financial contract to which an insurer is a party, the receiver for the insurer shall either: (a) disaffirm or repudiate all netting agreements and qualified financial contracts between a counterparty or any affiliate of that counterparty and the insurer that is the subject of the proceeding; or (b) disaffirm or repudiate none of the netting agreements and qualified financial contracts referred to in subparagraph (a) of this paragraph with respect to that person or any affiliate of that person.

(2) Notwithstanding any other provision of P.L.1992, c.65 (C.17B:32-31 et seq.), any claim of a counterparty against the estate arising from the receiver's disaffirmance or repudiation of a netting agreement or qualified financial contract that has not been previously affirmed in the liquidation proceeding or in the immediately preceding rehabilitation proceeding shall be determined and shall be allowed or disallowed: (a) as if the claim had arisen before the date of the filing of the petition for liquidation; or (b) if a rehabilitation proceeding is converted to a liquidation proceeding, as if the claim had arisen before the date of the filing of the petition for rehabilitation.

(3) The amount of the claim identified in paragraph (2) of this subsection shall be the actual direct compensatory damages determined as of the date of the disaffirmance or repudiation of the netting agreement or qualified financial contract.

g. All rights of a counterparty under this section shall apply to a netting agreement and a qualified financial contract entered into on behalf of, or allocated to:

(1) the general account of the insurer; or

(2) a separate account of the insurer if the assets of the separate account are available only to a counterparty to a netting agreement and a qualified financial contract entered into on behalf of, or allocated to, that separate account.

h. As used in this section:

(1) "Actual direct compensatory damages" includes normal and reasonable costs of cover or other reasonable measures of damages utilized in the derivatives market for the contract and agreement claims, but does not include punitive and exemplary damages, damages for lost profit or lost opportunity, or damages for pain and suffering.

(2) "Commodity contract" means any of the following:

(a) A contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a board of trade designated as a contract market by the Commodity Futures Trading Commission under the “Commodity Exchange Act,” 7 U.S.C. s.1 et seq., or board of trade outside the United States;

(b) An agreement that is subject to regulation under section 19 of the “Commodity Exchange Act,” 7 U.S.C. s.23, and that is commonly known to the commodities trade as a margin account, margin contract, leverage account, or leverage contract;

(c) An agreement or transaction that is subject to regulation under subsection 4c(b) of the “Commodity Exchange Act,” 7 U.S.C. s.6c(b), and that is commonly known to the commodities trade as a commodity option;

(d) Any combination of the agreements or transactions referred to in this paragraph; or

(e) Any option to enter into an agreement or transaction referred to in this paragraph.

(3) “Contractual right” includes any right set forth in a rule or bylaw of a derivatives clearing organization as defined in the “Commodity Exchange Act,” 7 U.S.C. s.1a(9), a multilateral clearing organization as defined in the “Federal Deposit Insurance Corporation Improvement Act of 1991,” 12 U.S.C. s.4421(1), a national securities exchange, a national securities association, a securities clearing agency, or a contract market designated under the “Commodity Exchange Act,” 7 U.S.C. s.1 et seq., a swap execution facility registered under the “Commodity Exchange Act,” 7 U.S.C. s.1 et seq., or a board of trade as defined in the “Commodity Exchange Act,” 7 U.S.C. s.1a(2), or in a resolution of the governing board thereof, and any right, whether or not evidenced in writing, arising under statutory or common law, or under law merchant, or by reason of normal business practice.

(4) “Forward contract” means the same as the term is defined in the “Federal Deposit Insurance Act,” 12 U.S.C. s.1821(e)(8)(D).

(5) “Netting agreement” means:

(a) A contract or agreement, including the terms and conditions incorporated by reference in such contract or agreement, including a master agreement, which master agreement, together with all schedules, confirmations, definitions and addenda thereto and transactions under any thereof, shall be treated as one netting agreement, that documents one or more transactions between the parties to the agreement for or involving one or more qualified financial contracts and that provides for the netting, setoff, liquidation, termination, acceleration or close out, under or in connection with one or more qualified financial contracts or present or future payment

or delivery obligations or payment or delivery entitlements thereunder, including liquidation or close-out values relating to such obligations or entitlements, among the parties to the netting agreement;

(b) Any master agreement or bridge agreement for one or more master agreements described in subparagraph (a) of this paragraph; or

(c) Any security arrangement related to one or more contracts or agreements described in subparagraph (a) or (b) of this paragraph, provided that any contract or agreement described in subparagraph (a) or (b) of this paragraph relating to agreements or transactions that are not qualified financial contracts shall be deemed to be a netting agreement only with respect to those agreements or transactions that are qualified financial contracts.

(6) “Qualified financial contract” means a commodity contract, forward contract, repurchase agreement, securities contract, swap agreement, and any similar agreement that the commissioner determines by regulation to be a qualified financial contract for the purposes of this section.

(7) “Repurchase agreement” means the same as that term is defined in the “Federal Deposit Insurance Act,” 12 U.S.C. s.1821(e)(8)(D). The term “repurchase agreement” shall include a reverse repurchase agreement.

(8) “Security arrangement” means any security agreement or arrangement or other credit enhancement or guarantee or reimbursement obligation, including a pledge, security, collateral or guarantee agreement or credit support document.

(9) “Securities contract” means the same as that term is defined in the “Federal Deposit Insurance Act,” 12 U.S.C. s.1821(e)(8)(D).

(10) “Separate account” means the same as that term is defined in N.J.S.17B:28-1.

(11) “Swap agreement” means the same as that term is defined in the “Federal Deposit Insurance Act,” 12 U.S.C. s.1821(e)(8)(D).

(12) “Walkaway clause” means a provision in a netting agreement or a qualified financial contract that, after calculation of a value of a party’s position or an amount due to or from one of the parties in accordance with its terms upon termination, liquidation or acceleration of the netting agreement or qualified financial contract, either does not create a payment obligation of a party or extinguishes a payment obligation of a party in whole or in part solely because of the party’s status as a non-defaulting party.

2. This act shall take effect immediately.

Approved January 5, 2012.

CHAPTER 161

AN ACT concerning the misappropriation of trade secrets and supplementing Title 56 of the Revised Statutes.

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

C.56:15-1 Short title.

1. This act shall be known and may be cited as the "New Jersey Trade Secrets Act."

C.56:15-2 Definitions relative to misappropriation of trade secrets.

2. As used in this act:

"Improper means" means the theft, bribery, misrepresentation, breach or inducement of a breach of an express or implied duty to maintain the secrecy of, or to limit the use or disclosure of, a trade secret, or espionage through electronic or other means, access that is unauthorized or exceeds the scope of authorization, or other means that violate a person's rights under the laws of this State.

"Misappropriation" means:

(1) Acquisition of a trade secret of another by a person who knows or has reason to know that the trade secret was acquired by improper means; or

(2) Disclosure or use of a trade secret of another without express or implied consent of the trade secret owner by a person who:

(a) used improper means to acquire knowledge of the trade secret; or

(b) at the time of disclosure or use, knew or had reason to know that the knowledge of the trade secret was derived or acquired through improper means; or

(c) before a material change of position, knew or had reason to know that it was a trade secret and that knowledge of it had been acquired through improper means.

"Person" means a natural person, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

"Proper means" means discovery by independent invention, discovery by reverse engineering, discovery under a license from the owner of the trade secret, observation of the information in public use or on public display, obtaining the trade secret from published literature, or discovery or observation by any other means that is not improper.

“Reverse engineering” means the process of starting with the known product and working backward to find the method by which it was developed so long as the acquisition of the known product was lawful or from sources having the legal right to convey it, such as the purchase of the item on the open market.

"Trade secret" means information, held by one or more people, without regard to form, including a formula, pattern, business data compilation, program, device, method, technique, design, diagram, drawing, invention, plan, procedure, prototype or process, that:

(1) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and

(2) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

C.56:15-3 Actual, threatened misappropriation may be enjoined.

3. a. Actual or threatened misappropriation may be enjoined. Upon application to the court, an injunction shall be terminated when the trade secret has ceased to exist, but the injunction may be continued for an additional reasonable period of time in order to eliminate commercial advantage that otherwise would be derived from the misappropriation.

b. In exceptional circumstances, an injunction may condition future use upon payment of a reasonable royalty for no longer than the period of time for which use could have been prohibited. Exceptional circumstances include, but are not limited to, a material and prejudicial change of position prior to acquiring knowledge or reason to know of misappropriation that renders a prohibitive injunction inequitable.

c. In appropriate circumstances, affirmative acts to protect a trade secret may be compelled by court order.

C.56:15-4 Entitlement to recovery of damages; exceptions.

4. a. Except to the extent that circumstances, including a material and prejudicial change of position prior to acquiring knowledge or reason to know of misappropriation renders a monetary recovery inequitable, a complainant is entitled to recover damages for misappropriation. Damages can include both the actual loss caused by misappropriation and the unjust enrichment caused by misappropriation that is not taken into account in computing actual loss. In lieu of damages measured by any other methods, the damages caused by misappropriation may be measured by imposition of

liability for a reasonable royalty for a misappropriator's unauthorized disclosure or use of a trade secret.

b. If willful and malicious misappropriation exists, the court may award punitive damages in an amount not exceeding twice any award made under subsection a. of this section.

C.56:15-5 Prohibited defense.

5. A person who misappropriates a trade secret shall not use as a defense to the misappropriation that proper means to acquire the trade secret existed at the time of the misappropriation.

C.56:15-6 Awards to prevailing party.

6. The court may award to the prevailing party reasonable attorney's fees and costs, including a reasonable sum to cover the service of expert witnesses, if:

- a. willful and malicious misappropriation exists;
- b. a claim of misappropriation is made in bad faith; or
- c. a motion to terminate an injunction is made or resisted in bad faith.

For purposes of this section, "bad faith" is that which is undertaken or continued solely to harass or maliciously injure another, or to delay or prolong the resolution of the litigation, or that which is without any reasonable basis in fact or law and not capable of support by a good faith argument for an extension, modification or reversal of existing law.

C.56:15-7 Preservation of secrecy of alleged trade secret.

7. In an action under this act, a court shall preserve the secrecy of an alleged trade secret by reasonable means consistent with the Rules of Court as adopted by the Supreme Court of New Jersey.

C.56:15-8 Three-year limitation on action.

8. An action for misappropriation shall be brought within three years after the misappropriation is discovered or by the exercise of reasonable diligence should have been discovered. For the purposes of this section, a continuing misappropriation constitutes a single claim.

C.56:15-9 Rights, remedies, prohibitions, additional, cumulative; supercedure.

9. a. The rights, remedies and prohibitions provided under this act are in addition to and cumulative of any other right, remedy or prohibition provided under the common law or statutory law of this State and nothing contained herein shall be construed to deny, abrogate or impair any common

law or statutory right, remedy or prohibition except as expressly provided in subsection b. of this section.

b. This act shall supersede conflicting tort, restitutionary, and other law of this State providing civil remedies for misappropriation of a trade secret.

c. In any action for misappropriation of a trade secret brought against a public entity or public employee, the provisions of the "New Jersey Tort Claims Act" (N.J.S.59:1-1 et seq.) shall supersede any conflicting provisions of this act.

10. This act shall take effect immediately, and does not apply to misappropriation occurring prior to the effective date. With respect to a continuing misappropriation that began prior to the effective date, the act also does not apply to the continuing misappropriation that occurs after the effective date.

Approved January 5, 2012.

CHAPTER 162

AN ACT concerning bus inspections and amending P.L.1995, c.225.

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

1. Section 3 of P.L.1995, c.225 (C.48:4-2.1e) is amended to read as follows:

C.48:4-2.1e Definitions.

3. As used in this act:

"Bus" or "buses" means and includes all autobuses, of whatever size or configuration, under the jurisdiction of the commission; all autobuses of NJ Transit and its contract carriers which are under the inspection jurisdiction of the commission; all autobuses of whatever size or configuration, that are subject to Federal Motor Carrier Safety Regulations, operated on public highways or in public places in this State; and all autobuses operated on public highways or in public places in this State under the authority of the Interstate Commerce Commission, or its successor agency.

"Bus safety out-of-service violation" means any serious mechanical, electrical or vehicular condition that is determined to be so unsafe as to potentially cause an accident or breakdown, or would potentially contribute to loss of control of the vehicle by the driver.

"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.).

"Category 1 violation" means any bus safety out-of-service violation that should have been detected during the daily pre-trip inspection or during periodic repair and maintenance procedures conducted by the driver or the operator.

"Category 2 violation" means any bus safety out-of-service violation that may have occurred after the daily pre-trip inspection and therefore might not have been detected by the operator or driver during the daily pre-trip inspection or during periodic repair and maintenance procedures.

"Operator" means the person responsible for the day to day maintenance and operation of buses.

2. Section 7 of P.L.1995, c.225 (C.48:4-2.1i) is amended to read as follows:

C.48:4-2.1i Inspection; penalty, MVC inspections prohibited on casino-owned property; exceptions.

7. a. The commission or any duly authorized representative of the commission is authorized to direct any bus operated in this State to immediately proceed to a designated facility for inspection. If a driver fails to immediately report as directed to the designated facility, the operator shall be subject to a penalty of \$1,000.

b. At the time of inspection, the commission or any duly authorized representative of the commission is authorized to demand and examine the driver's operating credentials.

c. Except for an inspection undertaken in exigent circumstances, an inspection authorized pursuant to P.L.1995, c.225 (C.48:4-2.1c et seq.) shall not be conducted on property owned or controlled by a casino, or on property, whether public or private, that is a designated parking, drop-off, or pick-up location for casino patrons other than a bus parking facility; provided, however, that nothing in this subsection shall limit the authority of the commission, or any duly authorized representative thereof, to demand and examine the bus driver's operating credentials at any such location. All inspections authorized pursuant to P.L.1995, c.225 shall be conducted at a location, designated for inspection by the commission, that shall not be on any property owned or controlled by a casino. Nothing in this subsection shall limit or prevent the commission or any duly authorized representative of the commission from directing any bus located on casino property to

proceed to a designated location for inspection. No inspection and no check of a bus driver's operating credentials conducted pursuant to this section shall occur while passengers are either on the bus or disembarking therefrom. As used in this subsection, "exigent circumstances" means circumstances in which a commission representative determines that operation of the bus may place the public safety at risk, including but not limited to, a bus safety out-of-service violation or the inoperability of the bus.

3. This act shall take effect immediately.

Approved January 5, 2012.

CHAPTER 163

AN ACT concerning persons with developmental disabilities and supplementing chapter 6D of Title 30 of the Revised Statutes.

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

C.30:6D-32.6 Findings, declarations relative to services for persons with developmental disabilities.

1. The Legislature finds and declares that:
 - a. Reliable and current data about the service needs of persons with developmental disabilities who are eligible for services from the Division of Developmental Disabilities in the Department of Human Services is fundamental to the division's ability to plan effectively to meet those needs;
 - b. Similarly, in order to make appropriate decisions about State funding for these services, it is important to understand the needs of persons with developmental disabilities served by the division;
 - c. Information about service needs is also essential for service providers as they seek to expand services, acquire or build infrastructure where needed, make services available at the time they are needed, and ensure that the services they provide are compatible with the needs of persons with developmental disabilities residing in their particular service areas;
 - d. Additionally, persons with developmental disabilities and their family members and guardians need access to current data so that they can develop informed expectations about the system that provides services for persons with developmental disabilities;

e. As this system evolves into one in which more persons with developmental disabilities and their family members and guardians play a larger role in obtaining necessary support services in the community, it is critical to create a truly transparent system on which persons with developmental disabilities and their family members and guardians can rely, and which they can trust; and

f. In order to ensure that the State and persons with developmental disabilities and their family members and guardians have reliable data about the service needs of persons with developmental disabilities and that such data can be made available to those who need to factor that information into their decision-making, planning, funding, and expectations for services, it is the policy of the State to provide for the collection and dissemination of data on persons with developmental disabilities.

C.30:6D-32.7 Definitions relative to services for persons with developmental disabilities.

2. As used in this act:

"Department" means the Department of Human Services.

"Division" means the Division of Developmental Disabilities in the Department of Human Services.

"Eligible person with a developmental disability" or "eligible person" means an eligible person with a developmental disability as defined in section 3 of P.L.1985, c.145 (C.30:6D-25).

"Services" means services as defined in section 3 of P.L.1985, c.145 (C.30:6D-25).

C.30:6D-32.8 Collection of information, maintenance of database.

3. a. The Division of Developmental Disabilities shall collect, and when practical maintain a database of, information about eligible persons with developmental disabilities pursuant to this section.

b. The division shall, within 12 months of the effective date of this act, collect and maintain data as specified in this section on persons declared eligible persons as of the effective date of this act. In the case of a person with a developmental disability who becomes eligible for services after the effective date of this act, the division shall collect the data no later than 60 days after the person is determined eligible for services by the division.

The data to be collected, and when practical maintained, for each eligible person shall include:

(1) the person's name and contact information, guardian, if applicable, and any primary caregivers;

(2) the person's age, gender, race or ethnicity, and disability or diagnosis, as applicable;

(3) a needs assessment categorized, at a minimum, by the person's need for residential services, employment or day support services, family support services, medical support services, and behavioral support services; and

(4) a list of services that the person or his parent or guardian has indicated the person would like to receive, including residential and day support services.

c. The division shall ensure that eligible persons are re-assessed as to their needs and services as needed.

C.30:6D-32.9 Annual notification to persons receiving services.

4. The division shall annually notify, in writing, persons receiving services of the following:

a. the services the person is currently receiving from the division and, in the case of an individual budget to purchase services, the amount of that budget and the services that are being purchased with the funds from that budget;

b. the person's status on a waiting list, if any, and how many persons with developmental disabilities on the list are expected to be served in the next 12 months;

c. the manner in which the person can easily correct or update, as applicable: the person's contact information; information concerning how the person is spending funds in an individual budget, if any; the person's expected future service needs; and any other relevant information that requires updating; and

d. information about where the person with a developmental disability or family member or guardian can find information about services for persons with developmental disabilities, including the link to the department's official website.

C.30:6D-32.10 Annual publication of report; contents.

5. The division shall annually publish a report, to be made available on the department's website, containing non-identifying aggregate data about eligible persons. The report shall, at a minimum, include:

a. the number of eligible persons, tabulated by county and other demographic information, including, but not limited to, age, gender, race or ethnicity, and disability or diagnosis, as applicable;

b. for each developmental center: the number of persons with developmental disabilities residing in the developmental center who have ex-

pressed to the division a desire to reside in the community but are still awaiting such placement; the number of persons who require behavioral supports to reside in the community; and the number of persons who are currently residing in a developmental center because they have mobility impairments and have been unable to find accessible housing;

c. an explanation of how the division determines to place an eligible person on a waiting list maintained by the division, what criteria determine a person's priority level and ranking within that priority level on the list, and how a person is selected from the list to receive services;

d. for each waiting list maintained by the division, within each county:

(1) the number of people who are waiting for: residential services; employment or day support services; family support services and, if so, which supports; and behavioral support services; and

(2) the year in which persons requested placement on any division-maintained waiting list;

e. the number of eligible persons served in each residential setting during the preceding 12 months, including, but not limited to, a developmental center, family member's home, group home, supervised apartment, community care residence, nursing home, or out-of-State placement;

f. tabulated by county: the number of eligible persons who are expected to transition from receiving services from a school district to receiving services from the division for each year; the expected service needs of these persons; and the total projected cost of services for these persons;

g. during the preceding 12 months, tabulated by county:

(1) the number of eligible persons who were removed from any division-maintained waiting list; the reason each person was removed from the list; and how long each person had been waiting for services or supports before being removed from the list;

(2) the number of eligible persons who were classified as an "emergency";

(3) for those persons who received residential services, the percentage who received such services in a developmental center, group home, supervised apartment, community care residence, nursing home, out-of-State placement, or any other residential setting;

(4) the number of eligible persons who were placed in a nursing home and their age when placed, categorized by the reason for such placement;

(5) the number of eligible persons who were placed in a developmental center, categorized by the reason for such placement; and

(6) the number of eligible persons who previously but no longer receive services from the division; and

h. an explanation of the current procedures and criteria used to admit an eligible person into a developmental center.

C.30:6D-32.11 Report to Governor, Legislature.

6. The department shall report to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), two years after the effective date of this act as to: the progress of the data collection and reporting required pursuant to this act; and the viability of including additional data within its data collection and reporting practices.

C.30:6D-32.12 Rules, regulations.

7. The Commissioner of Human Services, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations to effectuate the purposes of sections 3 and 4 of this act.

8. This act shall take effect on the first day of the 13th month next following the date of enactment, except that the Commissioner of Human Services may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved January 5, 2012.

CHAPTER 164

AN ACT concerning the sale of motor fuels and amending P.L.1938, c.163.

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

1. Section 201 of P.L.1938, c.163 (C.56:6-2) is amended to read as follows:

C.56:6-2 Motor fuel price signs; minimum price; no rebates or games of chance; credits earned; brand name or trademark.

201. (a) Every retail dealer shall publicly display and maintain, in the manner regulated by the Director of the Division of Taxation, a sign stating the price per gallon if sold by the gallon, and per gallon and per liter if sold by the liter of the motor fuel sold by said dealer. All taxes, State and Federal, imposed with respect to the manufacture or sale of motor fuel shall be

included in the price shown on said sign, but said sign shall contain a statement of the amount of taxes included in said price, or, without specifying the amount thereof, said sign shall state that taxes are included in said price. A retail dealer shall not sell at any other price than the price, including tax, so posted. Any such price when posted shall remain posted and in effect for a period of not less than twenty-four (24) hours.

(b) No retail dealer shall sell motor fuel at a price which is below the net cost of such motor fuel to the retail dealer plus all selling expenses.

(c) No other price signs of motor fuel so dispensed, or signs relating to the price of such fuel shall be used or displayed on or about the premises where motor fuel is sold at retail, other than the signs provided by section 3 of P.L.1952, c.258 (C.56:6-2.3).

(d) No advertising or sign other than that provided for in section 3 of P.L.1952, c.258 (C.56:6-2.3), which directly or indirectly contains a statement of, or an implied reference to the price of motor fuel shall be displayed at any place where motor fuel is dispensed at retail. Any advertising of the retail price of motor fuel through any other medium which contains a reference to the per gallon or per liter price thereof, shall include all taxes in the price stated, and there shall be included in such advertising a statement that such price includes taxes, or a statement of the amount of taxes which are included in such price. Such advertising shall be identified by the name of the product, and the letters of the name shall be not less than one-half the size of the figures used in the price.

(e) No rebates, allowances, concessions or benefits shall be given, directly or indirectly, so as to permit any person to obtain motor fuels from a retail dealer below the posted price or at a net price lower than the posted price applicable at the time of the sale, except that credits earned through purchases on a credit card, debit card, or rewards card may be utilized by a person to receive a rebate, allowance, concession, or benefit in the purchase of motor fuels, provided that: (1) the use of credits earned through purchases on a credit card, debit card, or rewards card shall not change the retail price displayed on any sign required pursuant to section 3 of P.L.1952, c.258 (C.56:6-2.3); and (2) the retail dealer shall not bear the cost of the rebate, allowance, concession, or benefit received by the motor fuel purchaser except for a processing fee assessed in the ordinary course of business.

As used in this subsection, "rewards card" means a card or certificate distributed by the issuer to a consumer pursuant to an awards, loyalty, rewards, or promotional program, or used to benefit frequent shoppers or to collect data on purchasing habits.

(f) It shall be unlawful for any retail dealer to use lotteries, wheels of fortune, punchboards or other games of chance, in connection with the sale of motor fuels.

(g) All above-ground equipment for storing or dispensing motor fuel operated by a retail dealer shall bear, in a conspicuous place, the name or trade-mark of the product stored therein or dispensed therefrom, and no retail dealer shall permit delivery into underground or above-ground containers, tanks or equipment of any motor fuel other than the brand represented or designated by the name or trade-mark appearing on such container or dispensing equipment attached thereto. No retail dealer shall be a party to the substitution of one grade of motor fuel for another.

(h) If the motor fuel stored in or dispensed from any above-ground equipment by a retail dealer shall not have a brand name or trade-mark, such container or dispensing equipment shall have conspicuously displayed thereon the words "No Brand."

2. This act shall take effect immediately.

Approved January 5, 2012.

CHAPTER 165

AN ACT concerning claims for victim compensation and amending P.L.1971, c.317.

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

1. Section 18 of P.L.1971, c.317 (C.52:4B-18) is amended to read as follows:

C.52:4B-18 Compensation for criminal injuries; statute of limitation on claims.

18. No order for the payment of compensation shall be made under section 10 of P.L.1971, c.317 (C.52:4B-10) unless the application has been made within three years after the date of the personal injury or death or after that date upon determination by the office that good cause exists for the delayed filing, and the personal injury or death was the result of an offense listed in section 11 of P.L.1971, c.317 (C.52:4B-11) which had been reported to the police or other appropriate law enforcement agency within nine months after its occurrence or reasonable discovery. If the victim is

under 18 years of age, the three-year limit on filing shall commence on the day the victim turns 18 years old. For the purposes of this section, "good cause" shall include, but not be limited to, instances where the victim or the victim's dependents were not appropriately informed of the benefits offered by the office as required by law. The office will make its determination regarding the application within six months of acknowledgment by the office of receipt of the completed application and any and all necessary supplemental information.

In determining the amount of an award, the office shall determine whether, because of his conduct, the victim of such crime contributed to the infliction of his injury, and the office shall reduce the amount of the award or reject the application altogether, in accordance with such determination; provided, however, that the office shall not consider any conduct of the victim contributory toward his injury, if the record indicates such conduct occurred during efforts by the victim to prevent a crime or apprehend a person who had committed a crime in his presence or had in fact committed a crime.

The office may deny or reduce an award where the victim has not paid in full any payments owed on assessments imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) or restitution ordered following conviction for a crime.

No compensation shall be awarded if:

- a. Compensation to the victim proves to be substantial unjust enrichment to the offender or if the victim did not cooperate with the reasonable requests of law enforcement authorities unless the victim demonstrates a compelling health or safety reason for not cooperating; or
- b. (Deleted by amendment, P.L.1990, c.64.)
- c. The victim was guilty of a violation of subtitle 10 or 12 of Title 2A or subtitle 2 of Title 2C of the New Jersey Statutes, which caused or contributed to his injuries; or
- d. The victim was injured as a result of the operation of a motor vehicle, except as provided in subsection c. or d. of section 11 of P.L.1971, c.317 (C.52:4B-11), boat or airplane unless the same was used as a weapon in a deliberate attempt to run the victim down; or
- e. The victim suffered personal injury or death while an occupant of a motor vehicle or vessel where the victim knew or reasonably should have known that the driver was operating the vehicle or vessel in violation of R.S.39:4-50, section 5 of P.L.1990, c.103 (C.39:3-10.13), section 19 of P.L.1954, c.236 (C.12:7-34.19), section 3 of P.L.1952, c.157 (C.12:7-46), subparagraph (b) of paragraph (2) of subsection b. of N.J.S.2C:20-2, subsection b. of N.J.S.2C:29-2 or subsection b., c. or d. of N.J.S.2C:20-10; or

- f. The victim has been convicted of a crime and is still incarcerated; or
- g. The victim sustained the injury during the period of incarceration immediately following conviction for a crime.

Except as provided herein, no compensation shall be awarded under P.L.1971, c.317 in an amount in excess of \$25,000, and all payments shall be made in a lump sum, except that in the case of death or protracted disability the award may provide for periodic payments to compensate for loss of earnings or support.

Ten years after the entry of an initial determination order, a claim for compensation expires and no further order is to be entered with regard to the claim except:

- (1) for requests for payment of specific out-of-pocket expenses received by the Victims of Crime Compensation Office prior to the expiration of the ten-year period;
- (2) in those cases determined by the office to be catastrophic in nature; and
- (3) for requests for payment of expenses that were incurred only after the expiration of the ten-year period.

No award made pursuant to P.L.1971, c.317 shall be subject to execution or attachment other than for expenses resulting from the injury which is the basis of the claim.

Compensation may be awarded in an amount not exceeding the actual cost of a rehabilitative service of the type enumerated in section 2 of P.L.1999, c.166 (C.52:4B-18.2).

The award may provide for periodic payments in the case of protracted care or rehabilitative assistance.

2. Section 19 of P.L.1971, c.317 (C.52:4B-19) is amended to read as follows:

C.52:4B-19 Determination of amount of compensation.

19. In determining the amount of compensation to be allowed by order, the office shall take into consideration amounts received or receivable from any other source or sources by the victim or his dependents as a result of the offense or occurrence giving rise to the application, except that life insurance payments and private donations received by the dependents of the victim shall not be considered as other sources.

Each order for compensation made by the office shall be filed with the Director of the Division of Budget and Accounting and shall constitute au-

thority for payment by the State Treasurer to the person or persons named therein of the amounts specified in such order.

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

Approved January 5, 2012.

CHAPTER 166

AN ACT concerning youth suicide prevention and supplementing Title 30 of the Revised Statutes.

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

C.30:9A-29 Statewide youth suicide prevention plan; development, adoption.

1. a. The Commissioner of Children and Families, in consultation with the Department of Human Services, and the New Jersey Youth Suicide Prevention Advisory Council established pursuant to section 4 of P.L.2003, c.214 (C.30:9A-25), shall develop and adopt a Statewide youth suicide prevention plan no later than 180 days after the effective date of this act.

b. The plan shall address, but not be limited to, the:

(1) identification of existing State and local sources of data concerning youth suicide deaths, youth suicide attempts, and self-inflicted injuries by youth;

(2) coordination and sharing of such data among identified State and local sources;

(3) promotion of greater public awareness about youth suicide prevention services and resources;

(4) identification of barriers to accessing mental health and substance abuse services, and opportunities to enhance access; and

(5) promotion of evidenced-based and best practice programs, listed on the Suicide Prevention Resource Center's Best Practices Registry, for the prevention and treatment of youth suicide and self-injury.

C.30:9A-30 Preparation of report.

2. The Commissioners of Human Services and Children and Families, in consultation with the Commissioner of Health and Senior Services, shall prepare a report reviewing the effectiveness and sufficiency of services

provided by the New Jersey-based suicide prevention hotlines. The report prepared pursuant to this section shall be transmitted to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), no later than 12 months after the effective date of this act.

C.30:9A-31 Review of grant application procedures; applications.

3. a. The Commissioner of Children and Families shall review the Department of Children and Families grant application procedures to ensure that grant applications submitted by the department for youth suicide prevention initiatives are completed accurately and in a timely manner.

b. The commissioner shall give thorough consideration to and, where appropriate, apply for any grants from the federal government, and contributions and donations from other public or private sources as may be used for the purposes of this act.

C.30:9A-32 Report to Governor, Legislature.

4. The commissioner, within 18 months after the effective date of this act, shall report to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), on the implementation of the provisions of this act, and shall include the youth suicide prevention plan developed pursuant to this act, and the commissioner's findings and actions taken to implement the provisions of section 3 of this act.

C.30:9A-33 Rules, regulations.

5. The commissioner, in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall promulgate such rules and regulations as are necessary to effectuate the purposes of this act.

6. This act shall take effect immediately.

Approved January 5, 2012.

CHAPTER 167

AN ACT requiring State, regional, and local authorities, boards, and commissions to establish a website, and amending and supplementing various sections of the Statutory Law.

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

C.4:24-20.1 Soil conservation district to maintain Internet website or webpage; contents.

1. The soil conservation district shall maintain either an Internet website or a webpage on the municipality's or county's Internet website. The purpose of the website or webpage shall be to provide increased public access to district operations and activities. The following information, if applicable, shall be posted on the district's website or webpage:

- a. a description of the district's mission and responsibilities;
- b. the budget once adopted for the current and immediately prior fiscal years. Commencing with the fiscal year next following the effective date of P.L.2011, c.167 (C.4:24-20.1 et al.), the budgets of at least three consecutive fiscal years shall be available on the website or webpage;
- c. the most recent Comprehensive Annual Financial Report or other similar financial information;
- d. the annual audit for the most recent and immediately prior fiscal years. Commencing with the fiscal year next following the effective date of P.L.2011, c.167 (C.4:24-20.1 et al.), the annual audits of at least three consecutive fiscal years shall be available on the website or webpage;
- e. the district's rules, regulations, and official policy statements deemed relevant by the board of supervisors to the interests of the residents within the district;
- f. notice, posted pursuant to the "Senator Byron M. Baer Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.), of a meeting of the board of supervisors, setting forth the time, date, location, and agenda of the meeting;
- g. the approved minutes of each meeting of the board including all resolutions of the board and its committees for the current fiscal year. Commencing with the fiscal year next following the effective date of P.L.2011, c.167 (C.4:24-20.1 et al.), the approved minutes of meetings for at least three consecutive fiscal years shall be available on the website or webpage;
- h. the name, mailing address, electronic mail address, if available, and phone number of every person who exercises day-to-day supervision or management over some or all of the operations of the district; and
- i. a list of attorneys, advisors, consultants, and any other person, firm, business, partnership, corporation, or other organization which received any remuneration of \$17,500 or more during the preceding fiscal year for any service whatsoever rendered to the soil conservation district.

C.34:15C-15.1 Workforce investment board to maintain Internet website, webpage; contents.

2. Each Workforce Investment Board shall maintain either an Internet website or a webpage on the county's Internet website. The purpose of the website or webpage shall be to provide increased public access to the board's operations and activities. The following information, if applicable, shall be posted on the board's website or webpage:

- a. a description of the board's mission and responsibilities;
- b. the budget once adopted for the current and immediately prior fiscal years. Commencing with the fiscal year next following the effective date of P.L.2011, c.167 (C.4:24-20.1 et al.), the budgets of at least three consecutive fiscal years shall be available on the website or webpage;
- c. the most recent Comprehensive Annual Financial Report or similar financial information;
- d. the annual audit for the most recent and immediately prior fiscal years. Commencing with the fiscal year next following the effective date of P.L.2011, c.167 (C.4:24-20.1 et al.), the annual audits of at least three consecutive fiscal years shall be available on the website or webpage;
- e. the board's rules, regulations, and official policy statements deemed relevant by the board to the interests of the residents within the county;
- f. notice, posted pursuant to the "Senator Byron M. Baer Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.), of a meeting of the Workforce Investment Board, setting forth the time, date, location, and agenda of the meeting;
- g. the approved minutes including all resolutions of the board for each meeting of the Workforce Investment Board and its committees for the current fiscal year. Commencing with the fiscal year next following the effective date of P.L.2011, c.167 (C.4:24-20.1 et al.), the approved minutes of meetings for at least three consecutive fiscal years shall be available on the website or webpage;
- h. the name, mailing address, electronic mail address, if available, and phone number of every person who exercises day-to-day supervision or management over some or all of the operations of the Workforce Investment Board; and
- i. a list of attorneys, advisors, consultants, and any other person, firm, business, partnership, corporation, or other organization which received any remuneration of \$17,500 or more during the preceding fiscal year for any service whatsoever rendered to the Workforce Investment Board.

C.40:37-11.7 County park commission to maintain Internet website or webpage; contents.

3. Any county park commission established pursuant to chapter 37 of Title 40 of the Revised Statutes shall maintain either an Internet website or a webpage on the county's Internet website. The purpose of the website or webpage shall be to provide increased public access to the county park commission's operations and activities. The following information, if applicable, shall be posted on the county park commission's website or webpage:

a. a description of the county park commission's mission and responsibilities;

b. the budget once adopted for the current and immediately prior fiscal years. Commencing with the fiscal year next following the effective date of P.L.2011, c.167 (C.4:24-20.1 et al.), the budgets of at least three consecutive fiscal years shall be available on the website or webpage;

c. the most recent Comprehensive Annual Financial Report or other similar financial information;

d. the annual audit for the most recent and immediately prior fiscal years. Commencing with the fiscal year next following the effective date of P.L.2011, c.167 (C.4:24-20.1 et al.), the annual audits of at least three consecutive fiscal years shall be available on the website or webpage;

e. the county park commission's rules, regulations, and official policy statements deemed relevant by the commissioners to the interests of the residents within the county;

f. notice, posted pursuant to the "Senator Byron M. Baer Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.), of a meeting of the county park commission, setting forth the time, date, location, and agenda of the meeting;

g. the approved minutes of each meeting of the commission including all resolutions of the commission and its committees for the current fiscal year. Commencing with the fiscal year next following the effective date of P.L.2011, c.167 (C.4:24-20.1 et al.), the approved minutes of meetings for at least three consecutive fiscal years shall be available on the website or webpage;

h. the name, mailing address, electronic mail address, if available, and phone number of every person who exercises day-to-day supervision or management over some or all of the operations of the county park commission; and

i. a list of attorneys, advisors, consultants, and any other person, firm, business, partnership, corporation, or other organization which received any remuneration of \$17,500 or more during the preceding fiscal year for any service whatsoever rendered to the county park commission.

C.40A:10-38.14 Joint insurance fund to maintain Internet website; contents.

4. The joint insurance fund shall maintain an Internet website. The purpose of the website shall be to provide increased public access to the joint insurance fund's operations and activities. The following information, if applicable, shall be posted on the joint insurance fund's website:

- a. a description of the joint insurance fund's mission and responsibilities;
- b. the budget once adopted for the current and immediately prior fiscal years. Commencing with the fiscal year next following the effective date of P.L.2011, c.167 (C.4:24-20.1 et al.), the budgets of at least three consecutive fiscal years shall be available on the website;
- c. the most recent Comprehensive Annual Financial Report and the annual independent audit or other similar financial information;
- d. the annual independent audit for the most recent fiscal year and the immediately prior fiscal year. Commencing with the fiscal year next following the effective date of P.L.2011, c.167 (C.4:24-20.1 et al.), the annual audits of at least three consecutive fiscal years shall be available on the website;
- e. the joint insurance fund's official policy statements, bylaws, risk management plan and cash investment policy plan that are deemed relevant by the commissioners to the interests of the residents within the jurisdiction of the fund members;
- f. notice, posted pursuant to the "Senator Byron M. Baer Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.), of a meeting of the insurance fund commissioners, setting forth the time, date, location, and agenda of the meeting;
- g. the minutes of each meeting of the insurance fund commissioners including all resolutions of the commission and their committees for the current fiscal year. Commencing with the fiscal year next following the effective date of P.L.2011, c.167 (C.4:24-20.1 et al.), the approved minutes of meetings for at least three consecutive fiscal years shall be available on the website;
- h. the name, mailing address, electronic mail address, if available, and phone number of every person who exercises day-to-day supervision or management over some or all of the operations of the joint insurance fund; and
- i. a list of attorneys, advisors, consultants, and any other person, firm, business, partnership, corporation, or other organization which received any remuneration of \$17,500 or more during the preceding fiscal year for any service whatsoever rendered directly to the joint insurance fund. For the purposes of this section, "rendered directly to the joint insurance fund" shall not include claim payments to service providers for services rendered to third party claimants, individual joint insurance fund members, their em-

ployees, or eligible dependents arising out of claims made under the benefit plans provided through the joint insurance fund.

C.40A:14-70.2 Fire district to maintain Internet website, webpage; contents.

5. Any fire district established pursuant to N.J.S.40A:14-70 shall maintain either an Internet website or a webpage on the municipality's Internet website. The purpose of the website or webpage shall be to provide increased public access to the fire district's operations and activities. The following information, if applicable, shall be posted on the fire district's website or webpage:

- a. a description of the fire district's mission and responsibilities;
- b. the budget once adopted for the current and immediately prior fiscal years. Commencing with the fiscal year next following the effective date of P.L.2011, c.167 (C.4:24-20.1 et al.), the budgets of at least three consecutive fiscal years shall be available on the website or webpage;
- c. the most recent Comprehensive Annual Financial Report or similar financial information;
- d. the annual audit for the most recent and immediately prior fiscal years. Commencing with the fiscal year next following the effective date of P.L.2011, c.167 (C.4:24-20.1 et al.), the annual audits of at least three consecutive fiscal years shall be available on the website or webpage;
- e. the fire district's rules, regulations, and official policy statements deemed relevant by the commissioners to the interests of the residents within the district;
- f. notice, posted pursuant to the "Senator Byron M. Baer Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.), of a meeting of the board of fire commissioners, setting forth the time, date, location, and agenda of the meeting;
- g. the minutes of each meeting of the board of fire commissioners including all resolutions of the commission and their committees for the current fiscal year. Commencing with the fiscal year next following the effective date of P.L.2011, c.167 (C.4:24-20.1 et al.), the approved minutes of meetings for at least three consecutive fiscal years shall be available on the website;
- h. the name, mailing address, electronic mail address, if available, and phone number of every person who exercises day-to-day supervision or management over some or all of the operations of the fire district; and
- i. a list of attorneys, advisors, consultants, and any other person, firm, business, partnership, corporation, or other organization which received any remuneration of \$17,500 or more during the preceding fiscal year for any service whatsoever rendered to the fire district but shall not include volun-

teers receiving benefits under a length of service award program established pursuant to section 3 of P.L.1997, c.388 (C.40A:14-185).

6. Section 4 of P.L.1938, c.67 (C.26:3-86) is amended to read as follows:

C.26:3-86 Nature and amount of public health services of each board; report of activities, information.

4. a. A regional health commission shall arrange annually with each board of health participating therein as to the nature and amount of public health services, approved by the Commissioner of Health and Senior Services of New Jersey, to be furnished by the said commission to such board of health and the sum to be paid by the board of health to the commission for such services. It shall report annually to each board of health participating therein, and to the State Department of Health and Senior Services, regarding its activities for the year.

b. The regional health commission shall maintain an Internet website. The purpose of the website shall be to provide increased public access to the regional health commission's operations and activities. The following information shall be posted, if applicable, on the regional health commission's website:

(1) a description of the regional health commission's mission and responsibilities;

(2) the budget once adopted for the current and immediately prior fiscal years. Commencing with the fiscal year next following the effective date of P.L.2011, c.167 (C.4:24-20.1 et al.), the budgets of at least three consecutive fiscal years shall be available on the website;

(3) the most recent Comprehensive Annual Financial Report or other similar financial information;

(4) the annual audit for the most recent and immediately prior fiscal years. Commencing with the fiscal year next following the effective date of P.L.2011, c.167 (C.4:24-20.1 et al.), the annual audits of at least three consecutive fiscal years shall be available on the website;

(5) the regional health commission's rules, regulations, and official policy statements deemed relevant by the commissioners to the interests of the residents within the jurisdiction of the commission;

(6) notice, posted pursuant to the "Senator Byron M. Baer Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.), of a meeting of the commission, setting forth the time, date, location, and agenda of the meeting;

(7) the minutes of each meeting of the commission's board including all resolutions of the board and its committees for the current fiscal year. Commencing with the fiscal year next following the effective date of P.L.2011, c.167 (C.4:24-20.1 et al.), the approved minutes of meetings for at least three consecutive fiscal years shall be available on the website;

(8) the name, mailing address, electronic mail address, if available, and phone number of every person who exercises day-to-day supervision or management over some or all of the operations of the regional health commission; and

(9) a list of attorneys, advisors, consultants, and any other person, firm, business, partnership, corporation, or other organization which received any remuneration of \$17,500 or more during the preceding fiscal year for any service whatsoever rendered to the regional health commission.

C.40A:5A-17.1 Authority, certain, maintenance of Internet website, webpage; contents.

7. Any authority subject to the provisions of chapter 5A of Title 40A of the New Jersey Statutes shall maintain either an Internet website or a webpage on the municipality's or county's Internet website. The purpose of the website or webpage shall be to provide increased public access to the authority's operations and activities. The following information, if applicable, shall be posted on the authority's website or webpage:

(1) a description of the authority's mission and responsibilities;

(2) the budget once adopted for the current and immediately prior fiscal years. Commencing with the fiscal year next following the effective date of P.L.2011, c.167 (C.4:24-20.1 et al.), the budgets of at least three consecutive fiscal years shall be available on the website or webpage;

(3) the most recent Comprehensive Annual Financial Report or other similar financial information;

(4) the annual audit for the most recent and immediately prior fiscal years. Commencing with the fiscal year next following the effective date of P.L.2011, c.167 (C.4:24-20.1 et al.), the annual audits of at least three consecutive fiscal years shall be available on the website or webpage;

(5) the authority's rules, regulations, and official policy statements deemed relevant by the governing body of the authority to the interests of the residents within the authority's service area or jurisdiction;

(6) notice, posted pursuant to the "Senator Byron M. Baer Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.), of a meeting of the authority, setting forth the time, date, location, and agenda of the meeting;

(7) the minutes of each meeting of the authority, including all resolutions of the board, and its committees, for the current fiscal year. Commencing with the fiscal year next following the effective date of P.L.2011, c.167 (C.4:24-20.1 et al.), the approved minutes of meetings for at least three consecutive fiscal years shall be available on the website;

(8) the name, mailing address, electronic mail address, if available, and phone number of every person who exercises day-to-day supervision or management over some or all of the operations of the authority; and

(9) a list of attorneys, advisors, consultants, and any other person, firm, business, partnership, corporation, or other organization which received any remuneration of \$17,500 or more during the preceding fiscal year for any service whatsoever rendered to the authority.

8. Section 8 of P.L.1983, c.303 (C.52:27H-67) is amended to read as follows:

C.52:27H-67 Municipal zone development corporations, maintenance of Internet website, webpage; contents.

8. a. The governing body of any qualifying municipality may, by ordinance, create or designate a nonprofit corporation established pursuant to the provisions of Title 15 of the Revised Statutes or Title 15A of the New Jersey Statutes to act as the zone development corporation for the municipality. Any zone development corporation so created or so designated shall include on its board of directors representatives of the government of the qualifying municipality, members of the business community thereof, and representatives of community organizations in the municipality, and the total membership of the board of directors shall be broadly representative of businesses and communities within the municipality.

b. Notwithstanding the provisions of any other law to the contrary, a zone development corporation shall be considered to be a local development corporation for the purpose of receiving any State financial or technical assistance as may be available, and the creation of a zone development corporation shall not preclude a qualifying municipality from creating another local development corporation for the municipality with responsibilities not related to the enterprise zone, nor preclude that other corporation from receiving State financial or technical assistance.

c. The zone development corporation shall develop and maintain either an Internet website or a webpage on the municipality's Internet website. The purpose of the website or webpage shall be to provide increased public access to the zone development corporation's operations and activi-

ties. The following information, if applicable, shall be posted on the zone development corporation's website or webpage:

(1) a description of the zone development corporation's mission and responsibilities;

(2) the budget once adopted for the current and immediately prior fiscal years. Commencing with the fiscal year next following the effective date of P.L.2011, c.167 (C.4:24-20.1 et al.), the budgets of at least three consecutive fiscal years shall be available on the website or webpage;

(3) The most recent Comprehensive Annual Financial Report or other similar financial information;

(4) the annual audit for the most recent and immediately prior fiscal years. Commencing with the fiscal year next following the effective date of P.L.2011, c.167 (C.4:24-20.1 et al.), the annual audits of at least three consecutive fiscal years shall be available on the website or webpage;

(5) the zone development corporation's bylaws, rules, regulations, and official policy statements deemed relevant by the corporation's board to the interests of the residents within the zone;

(6) notice, posted pursuant to the "Senator Byron M. Baer Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.), of a meeting of the zone development corporation, setting forth the time, date, location, and agenda of the meeting;

(7) the minutes of each meeting of the zone development corporation including all resolutions of the board and its committees for the current fiscal year. Commencing with the fiscal year next following the effective date of P.L.2011, c.167 (C.4:24-20.1 et al.), the approved minutes of meetings for at least three consecutive fiscal years shall be available on the website;

(8) the name, mailing address, electronic mail address, if available, and phone number of every person who exercises day-to-day supervision or management over some or all of the operations of the zone development corporation; and

(9) a list of attorneys, advisors, consultants, and any other person, firm, business, partnership, corporation, or other organization which received any remuneration of \$17,500 or more during the preceding fiscal year for any service whatsoever rendered to the zone development corporation.

C.40:56A-4.1 Definitions relative to authorities, boards, commissions.

9. a. As used in this section:

"Environmental authority, board, or commission" means an authority, board, commission, or other public body authorized by law to provide wa-

ter, sewer, or other utility services, or to engage in the zoning of facilities for, or the planning for, the provision of such services.

“Member” of an authority, board, or commission means a member of the governing body of that authority, board, or commission, and includes a person appointed as a member by a State, county, local, or other governmental official or who holds membership *ex officio*.

“Regional authority” means:

- (1) The Passaic Valley Sewerage Commissioners;
- (2) The North Jersey District Water Supply Commission;
- (3) The New Jersey Meadowlands Commission;
- (4) The Passaic Valley Water Commission; and
- (5) Any environmental authority, board, or commission, not included among the foregoing, owning real property assets or providing services in more than one county, including, but not limited to, those subject to oversight pursuant to the “Local Authorities Fiscal Control Law,” P.L.1983, c.313 (C.40A:5A-1 et seq.) or appointed pursuant to R.S.40:62-109 regarding joint water commissions.

“State authority, board, or commission” means an independent State authority; any board, commission, or agency that is organized in but not of a principal department of State government; and any State authority that is required to submit its minutes, resolutions, or actions for gubernatorial approval or veto.

b. Any State authority, board, or commission, regional authority, or environmental authority, board, or commission shall develop and maintain either an Internet website or a webpage on the State's, municipality's, or county's Internet website, as applicable. The purpose of the website or webpage shall be to provide increased public access to the authority, board, or commission's operations and activities. The following information, if applicable, shall be posted on the website or webpage:

- (1) a description of the authority, board, or commission's mission and responsibilities;
- (2) the budget once adopted for the current and immediately prior fiscal years. Commencing with the fiscal year next following the effective date of P.L.2011, c.167 (C.4:24-20.1 et al.), the budgets of at least three consecutive fiscal years shall be available on the website or webpage;
- (3) the most recent Comprehensive Annual Financial Report or other similar financial information;
- (4) the annual audit for the most recent and immediately prior fiscal years. Commencing with the fiscal year next following the effective date

of P.L.2011, c.167 (C.4:24-20.1 et al.), the annual audits of at least three consecutive fiscal years shall be available on the website or webpage;

(5) the authority, board, or commission's rules, regulations, and official policy statements deemed relevant by the governing body of the authority, board, or commission to the interests of the residents within the service area;

(6) notice, posted pursuant to the "Senator Byron M. Baer Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.), of a meeting of the authority, board, or commission, setting forth the time, date, location, and agenda of the meeting;

(7) the minutes of each meeting of the authority, board, or commission including all resolutions of the board and its committees for the current fiscal year. Commencing with the fiscal year next following the effective date of P.L.2011, c.167 (C.4:24-20.1 et al.), the approved minutes of meetings for at least three consecutive fiscal years shall be available on the website;

(8) the name, mailing address, electronic mail address, if available, and phone number of every person who exercises day-to-day supervision or management over some or all of the operations of the authority, board, or commission; and

(9) a list of attorneys, advisors, consultants, and any other person, firm, business, partnership, corporation, or other organization which received any remuneration of \$17,500 or more during the preceding fiscal year for any service whatsoever rendered to the authority, board, or commission.

10. This act shall take effect on the first day of the thirteenth month next following enactment.

Approved January 5, 2012.

CHAPTER 168

AN ACT concerning the health and safety of certain students and amending P.L.2010, c.94.

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

1. Section 2 of P.L.2010, c.94 (C.18A:40-41.2) is amended to read as follows:

C.18A:40-41.2 Interscholastic athletic head injury safety training program.

2. a. The Department of Education shall work to develop and implement, by the 2011-2012 school year, an interscholastic athletic head injury safety training program. The program shall be completed by a school physician, a person who coaches a public school district or nonpublic school interscholastic sport or cheerleading program, and an athletic trainer involved in a public or nonpublic school interscholastic sports program or cheerleading program. The safety training program shall include, but need not be limited to, the following:

(1) the recognition of the symptoms of head and neck injuries, concussions, and injuries related to second-impact syndrome; and

(2) the appropriate amount of time to delay the return to competition or practice of a student-athlete or cheerleader who has sustained a concussion or other head injury.

b. The department shall update the safety training program as necessary to ensure that it reflects the most current information available on the nature, risk, and treatment of sports-related concussions and other head injuries.

c. The department shall develop an educational fact sheet that provides information about sports-related concussions and other head injuries. A school district or a nonpublic school that participates in an interscholastic sports program or cheerleading program shall distribute the educational fact sheet annually to the parents or guardians of student-athletes and cheerleaders and shall obtain a signed acknowledgment of the receipt of the fact sheet by the student-athlete or cheerleader and his parent or guardian.

2. Section 3 of P.L.2010, c.94 (C.18A:40-41.3) is amended to read as follows:

C.18A:40-41.3 Written policy for school district concerning prevention, treatment of sports-related head injuries.

3. a. Each school district shall develop a written policy concerning the prevention and treatment of sports-related concussions and other head injuries among student-athletes and cheerleaders. The policy shall include, but need not be limited to, the procedure to be followed when it is suspected that a student-athlete or cheerleader has sustained a concussion or other head injury. When developing the district policy, a school district shall review the model policy established by the Commissioner of Education pursuant to subsection b. of this section, the policies established by the New Jersey State Interscholastic Athletic Association, the National Collegiate Athletic Association, and the recommendations made by the Brain Injury

Association of New Jersey Concussion in Sports Steering Committee, the Athletic Trainers' Society of New Jersey, and other organizations with expertise in the area of preventing or treating sports-related concussions and other head injuries among student-athletes and cheerleaders. Each school district shall implement the policy by the 2011-2012 school year.

The policy shall be reviewed annually, and updated as necessary, by the district to ensure that it reflects the most current information available on the prevention, risk, and treatment of sports-related concussions and other head injuries.

b. To assist school districts in developing policies concerning the prevention and treatment of sports-related concussions and other head injuries among student-athletes and cheerleaders, the Commissioner of Education shall develop a model policy applicable to grades kindergarten through 12. This model policy shall be issued no later than March 31, 2011.

3. Section 4 of P.L.2010, c.94 (C.18A:40-41.4) is amended to read as follows:

C.18A:40-41.4 Removal of student athlete from competition, practice; return.

4. A student who participates in an interscholastic sports program or cheerleading program and who sustains or is suspected of having sustained a concussion or other head injury while engaged in a competition or practice shall be immediately removed from the competition or practice. A student-athlete or cheerleader who is removed from competition or practice shall not participate in further sports or cheerleading activity until he is evaluated by a physician or other licensed healthcare provider trained in the evaluation and management of concussions, and receives written clearance from a physician trained in the evaluation and management of concussions to return to competition or practice.

4. This act shall take effect immediately.

Approved January 5, 2012.

CHAPTER 169

AN ACT concerning the production of wine and beer and amending R.S.33:1-75 and supplementing Title 33 of the Revised Statutes.

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

1. R.S.33:1-75 is amended to read as follows:

Special permits authorizing manufacture of wines in an instructional winemaking facility.

33:1-75. a. (Deleted by amendment, P.L.2011, c.169).

b. The director may, subject to rules and regulations, issue special permits authorizing the manufacture of wines in an instructional winemaking facility by a person who is 21 years of age or older, residing within or without this State, in quantities not exceeding 200 gallons per calendar year for the person's personal or household use or consumption.

c. The director shall, by regulation, establish a reasonable fee to cover the costs incurred in issuing the special permits required by this section.

d. A person manufacturing wines pursuant to this section shall not be liable for any tax imposed under the "Alcoholic beverage tax law," R.S.54:41-1 et seq.

C.33:1-75.1 Certain persons permitted to manufacture wine, malt alcoholic beverages at home, noncommercial premises.

2. a. A person who is 21 years of age or older may manufacture within a home or other noncommercial premises wines or malt alcoholic beverages in quantities not exceeding 200 gallons per calendar year for the person's personal or household use or consumption.

b. A special permit shall not be required to manufacture wines or malt alcoholic beverages pursuant to this section.

c. A person manufacturing malt alcoholic beverages pursuant to this section shall not be liable for any tax imposed under the "Alcoholic beverage tax law," R.S.54:41-1 et seq.

3. This act shall take effect immediately.

Approved January 5, 2012.

CHAPTER 170

AN ACT creating a Veterans Haven Council 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:3-47 Veterans Haven Council.

1. a. There is created within the Division of Veterans' Services in the Department of Military and Veterans' Affairs an advisory council to be known as the Veterans Haven Council. The council shall consist of eight members, at least five of whom are veterans, and shall include no less than two women. The Deputy Commissioner of Veterans' Affairs, or a designee, shall serve as a nonvoting ex-officio member. Each member shall be appointed by the Adjutant General with the approval of the Governor. The term of each council member shall be three years, except that of the first appointments pursuant to this section, two shall be for a term of one year, two for a term of two years, and three for a term of three years. At no time shall a member be allowed to serve more than two terms in the aggregate.

b. The members shall nominate a chairperson by majority vote of the members, and four members shall constitute a majority. The chairperson of the council shall be its presiding officer and shall serve until a successor has been nominated by the council.

c. Any vacancy shall be filled for the unexpired term only. Members of the council shall be subject to removal by the Adjutant General at any time for good and sufficient cause.

d. The members of the council shall receive no compensation for their services but shall be reimbursed for actual expenditures incurred in the performance of their duties within the limits of funds appropriated or otherwise made available for this purpose.

C.38A:3-48 Duties of Veterans Haven Council.

2. Under general policies established by the Adjutant General, the Veterans Haven Council shall:

a. Formulate comprehensive policies for the coordination of all services for the benefit of veterans housed at the Veterans Haven facility;

b. Consult with and advise the Deputy Commissioner of Veterans' Affairs and the Director of Veterans' Services with respect to the work of Veterans Haven;

c. Recommend standards and procedures for application and termination of eligibility for admission to Veterans Haven; and

d. Recommend standards of care, treatment and discipline governing the relationship between Veterans Haven and the persons admitted thereto.

3. This act shall take effect immediately.

Approved January 5, 2012.

CHAPTER 171

AN ACT concerning the sale and lease of certain public property for farming and gardening purposes 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.2011, c.35 (C.40A:12-15.1) is amended to read as follows:

C.40A:12-15.1 Findings, declarations relative to lease, sale of certain property to non-profits for certain purposes.

1. The Legislature finds and declares:
 - a. There exists in certain municipalities an excess of vacant property that is not needed for public use; and
 - b. Vacant properties present numerous problems for these municipalities such as: presenting the opportunity for criminal activity, deterring neighboring property owners from improving their properties and prospective purchasers and renters from locating into these areas, and serving as a location to dispose of unwanted items; and
 - c. These municipalities are often centers of high and increasing populations and population densities comprised, in part, of lower income families; and
 - d. Due, in part, to increasing population densities, the deterioration of infrastructure such as parks, and fiscal constraints, these municipalities have been challenged to offer residents opportunities to enhance the quality of their lives; and
 - e. Due to the scarcity of full service supermarkets and farmer's markets within these municipalities, municipal residents often suffer from a shortage of fresh fruits and vegetables; and
 - f. The shortages of recreational opportunities and sources of fresh fruits and vegetables have contributed to alarming increases in childhood obesity and other adverse health consequences for municipal residents; and

g. While provisions of statutory law authorize local units to lease or sell property that is not needed for public use in order to further various public purposes, these statutory provisions limit municipalities from enlisting the assistance of nonprofit entities to develop these properties for a range of public purposes that could enhance the recreational, educational, and nutritional needs of local residents; and

h. Authorization for local units to lease and sell vacant land to nonprofit entities to cultivate these lands can provide both recreational opportunities and a source of fresh, locally grown fruits and vegetables for local residents; and

i. The nonprofit cultivation of previously vacant land by nonprofit entities is a public purpose for which the long term lease and sale of these properties, and exemption from property taxation therefor, is warranted, even in those instances when produce is sold to further the mission of these nonprofit entities.

2. Section 15 of P.L.1971, c.199 (C.40A:12-15) is amended to read as follows:

C.40A:12-15 Purposes for which leases for a public purpose may be made.

15. Purposes for which leases for a public purpose may be made.

A leasehold for a term not in excess of 50 years may be made pursuant to this act and extended for an additional 25 years by ordinance or resolution thereafter for any county or municipal public purpose, including, but not limited to:

(a) The provision of fire protection, first aid, rescue and emergency services by an association duly incorporated for such purposes.

(b) The provision of health care or services by a nonprofit clinic, hospital, residential home, outpatient center or other similar corporation or association.

(c) The housing, recreation, education or health care of veterans of any war of the United States by any nonprofit corporation or association.

(d) Mental health or psychiatric services or education for persons with mental illness, persons with a mental deficiency, or persons with intellectual disabilities by any nonprofit corporation or association.

(e) Any shelter care or services for persons aged 62 or over receiving Social Security payments, pensions, or disability benefits which constitute a substantial portion of the gross income by any nonprofit corporation or association.

(f) Services or care for the education or treatment of cerebral palsy patients by any nonprofit corporation or association.

(g) Any civic or historic programs or activities by duly incorporated historical societies.

(h) Services, education, training, care or treatment of poor or indigent persons or families by any nonprofit corporation or association.

(i) Any activity for the promotion of the health, safety, morals and general welfare of the community of any nonprofit corporation or association.

(j) The cultivation or use of vacant lots for gardening or recreational purposes.

(k) The provision of electrical transmission service across the lines of a public utility for a county or municipality pursuant to R.S.40:62-12 through R.S.40:62-25.

(l) In any municipality, the lease of a tract of land of less than five acres to a nonprofit corporation or association to cultivate and sell fresh fruits and vegetables.

Except as otherwise provided in subsection (k) of this section, in no event shall any lease under this section be entered into for, with, or on behalf of any commercial, business, trade, manufacturing, wholesaling, retailing, or other profit-making enterprise, nor shall any lease pursuant to this section be entered into with any political, partisan, sectarian, denominational or religious corporation or association, or for any political, partisan, sectarian, denominational or religious purpose, except that a county or municipality may enter into a lease for the use permitted under subsection (j) with a sectarian, denominational or religious corporation; provided the property is not used for a sectarian, denominational or religious purpose. In the case of a municipality the governing body may designate the municipal manager, business administrator or any other municipal official for the purpose of entering into a lease for the use permitted under subsection (j). Any lease entered into pursuant to subsection (l) with a non-profit corporation or association may permit the non-profit corporation or association to sell fresh fruits and vegetables on the leased land, off the leased land, or both, provided, that the sales are related and incidental to the non-profit purposes of the corporation or association and the net proceeds received by the non-profit corporation or association are used to further the non-profit purposes of the corporation or association. Property leased pursuant to subsection (l) of this section shall be exempt from property taxation.

3. Section 21 of P.L.1971, c.199 (C.40A:12-21) is amended to read as follows:

C.40A:12-21 Private sales to certain organizations upon nominal consideration.

21. Private sales to certain organizations upon nominal consideration. When the governing body of any county or municipality shall determine that all or any part of a tract of land, with or without improvements, owned by the county or municipality, is not then needed for county or municipal purposes, as the case may be, said governing body, by resolution or ordinance, may authorize a private sale and conveyance of the same, or any part thereof without compliance with any other law governing disposal of lands by counties and municipalities, for a consideration, which may be nominal, and containing a limitation that such lands or buildings shall be used only for the purposes of such organization or association, and to render such services or to provide such facilities as may be agreed upon, and except as provided in subsection (n) of this section not for commercial business, trade or manufacture, and that, unless waived, released, modified, or subordinated pursuant to P.L.1943, c.33 (C.40:60-51.2), if said lands or buildings are not used in accordance with said limitation, title thereto shall revert to the county or municipality without any entry or reentry made thereon on behalf of such county or municipality, to

(a) A duly incorporated volunteer fire company or board of fire commissioners or first aid and emergency or volunteer ambulance or rescue squad association of a municipality within the county, in the case of a county, or of the municipality, in the case of a municipality, for the construction thereon of a firehouse or fire school or a first aid and emergency or volunteer ambulance or rescue squad building or for the use of any existing building for any or all of said purposes and any such land or building sold to any duly incorporated volunteer fire company may be leased by such fire company to any volunteer firemen's association for the use thereof for fire school purposes for the benefit of the members of such association, or

(b) Any nationally chartered organization or association of veterans of any war, in which the United States has or shall have been engaged, by a conveyance for consideration, a part of which may be an agreement by the organization or association to render service or to provide facilities for the general public of the county or municipality, of a kind which the county or municipality may furnish to its citizens and to the general public, or

(c) A duly incorporated nonprofit hospital association for the construction or maintenance thereon of a general hospital, or

(d) Any paraplegic veteran, that is to say, any officer, soldier, sailor, marine, nurse or other person, regularly enlisted or inducted, who was or shall have been in the active military or naval forces of the United States in any war in which the United States was engaged, including any member of the

American Merchant Marine during World War II who is declared by the United States Department of Defense to be eligible for federal veterans' benefits, and who, at the time he was commissioned, enlisted, inducted, appointed or mustered into such military or naval service, was a resident of and who continues to reside in this State, who is suffering from paraplegia and has permanent paralysis of both legs or the lower parts of the body resulting from injuries sustained through enemy action or accident while in such active military or naval service, for the construction of a home to domicile him, or to any organization or association of veterans, for the construction of a home or homes to domicile paraplegic veterans, with powers to convey said lands and premises to the paraplegic veteran or veterans on whose behalf said organization or association shall acquire title to said land, or

(e) Any duly incorporated nonprofit association or any regional commission or authority composed of one or more municipalities or one or more counties for the construction or maintenance thereon of an animal shelter, or

(f) Any duly incorporated nonprofit historical society for the acquisition of publicly owned historic sites for their restoration, preservation, improvement and utilization for the benefit of the general public, or

(g) Any duly incorporated nonprofit cemetery organization or association serving the residents of the municipality or county, or

(h) Any duly incorporated nonprofit organization for the principal purpose of the education or treatment of persons afflicted with developmental disabilities including cerebral palsy, or

(i) Any county or municipal sewerage authority serving the residents of the county or municipality, for the use thereof for sewerage authority purposes, or

(j) Any duly incorporated nonprofit organization for the purpose of building or rehabilitating residential property for resale. Any profits from the resale of the property shall be applied by the nonprofit organization to the costs of acquiring and rehabilitating other residential property in need of rehabilitation owned by the county or municipality, or

(k) Any duly incorporated nonprofit organization or association, other than a political, partisan, sectarian, denominational or religious organization or association, which includes among its principal purposes the provision of educational, gardening, recreational, medical or social services to the general public, including residents of the county or municipality, or

(l) Any duly incorporated nonprofit housing corporation or any limited-dividend housing corporation or housing association organized pursuant to P.L.1949, c.184 (C.55:16-1 et seq.) for the purpose of constructing

housing for low or moderate income persons or families or handicapped persons, or

(m) Any duly incorporated nonprofit hospice organization whose principal purpose is to provide hospice services to the terminally ill, or

(n) Any duly incorporated nonprofit organization or association for the cultivation and sale of fresh fruits and vegetables on a tract of land of less than five acres within a municipality, provided that the nonprofit organization or association is not controlled, directly or indirectly, by any agricultural, commercial, or other business. The nonprofit organization or association shall be authorized to sell fresh fruits and vegetables either on the land that was conveyed, off that land, or both, provided, that the sales are related and incidental to the non-profit purposes of the organization or association and the net proceeds received by the nonprofit organization or association are used to further the non-profit purposes of the organization or association.

Whenever a sale of property is proposed pursuant to subsection (k), for gardening, or subsection (n) of this section, the county or municipality shall comply with all notice requirements for an application for development under section 7.1 of P.L.1975, c.291 (C.40:55D-12).

4. 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 im-

provement 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 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.

5. This act shall take effect immediately.

Approved January 5, 2012.

CHAPTER 172

AN ACT concerning sunken or abandoned vessels and amending P.L.1975, c.369.

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

1. Section 3 of P.L.1975, c.369 (C.12:7C-9) is amended to read as follows:

C.12:7C-9 Abandonment of vessel, removal, impoundment; incident report; penalty.

3. a. It shall be unlawful for any owner to abandon any vessel to or upon public land or waters of this State, including any municipal waterway, to or upon any municipally-owned land, or to or upon any private property or the water immediately adjacent thereto without the consent of the official designated by law to have jurisdiction over such public land or waterway, or the owner or other person in charge of the private property except when an emergency exists.

b. (1) A vessel which has remained moored, grounded, docked, or otherwise attached or fastened to or upon any public land or waterway or any private property without such consent for a period of more than 30 days, or which is submerged partially or completely into the water for any period of time shall be deemed abandoned and may be impounded if an official authorized by statute or ordinance to enforce regulations related to municipal waterways or a law enforcement officer having enforcement authority has reason to believe the vessel has been abandoned.

(2) The vessel may be removed from a municipal waterway by, or at the direction of, the municipality or harbor commission and may be impounded under the provisions of paragraph (1) of this subsection and removed to a storage space, and its registration certificate and registration plates seized.

(3) The owner shall be responsible for the cost of the removal, transportation, storage or disposal, and any other incidental costs associated with the impounded vessel.

(4) Whenever a vessel is removed pursuant to this subsection, the official designated by law to have jurisdiction over the municipal waterway shall file an incident report with the New Jersey Motor Vehicle Commission.

c. (1) An owner who violates the provisions of subsection a. of this section shall be liable to a civil penalty of not more than \$1,000. Each day upon which the violation continues shall constitute a separate offense.

(2) The civil penalty imposed pursuant to this subsection shall be collected pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary proceeding. An official authorized by statute or ordinance to enforce regulations related to municipal waterways or a law enforcement officer having enforcement authority in that municipality may issue a summons for a violation of the provisions of this section and may serve and execute all process with respect to the enforcement of this section consistent with the Rules of Court. A penalty recovered under the provisions of this section shall be recovered by and in the name of the State by the local municipality. The penalty shall be paid into the treasury of the municipality in which the violation occurred for the general uses of the municipality.

2. Section 7 of P.L.1975, c.369 (C.12:7C-13) is amended to read as follows:

C.12:7C-13 Application for title.

7. At the end of the 30-day period the person, entity, municipality, or harbor commission desiring to acquire title shall apply to the commission for transfer of title to the vessel. The application shall be accompanied by the following affidavits:

- a. A statement that the vessel has been abandoned.
- b. Proof that the registered letter was mailed at least 30 days before application or a detailed explanation of the unsuccessful steps taken to identify and secure the address of the owner or lienholder, or both.
- c. Proof that a notice was printed in a paper as required in section 6 of P.L.1975, c.369 (C.12:7C-12).

3. This act shall take effect immediately.

Approved January 5, 2012.

CHAPTER 173

AN ACT concerning the use of county and municipal open space trust funds for the purchase of flood-prone properties, and amending P.L.1992, c.157 and P.L.1997, c.24.

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

1. Section 1 of P.L.1997, c.24 (C.40:12-15.1) is amended to read as follows:

C.40:12-15.1 Definitions relative to recreation, conservation, floodplain protection, farmland, and historic preservation.

1. As used in P.L.1997, c.24 (C.40:12-15.1 et seq.):

"Acquisition" or "acquire" means the securing of a fee simple or a lesser interest in land, including but not limited to an easement restricting development, by gift, purchase, installment purchase agreement, devise, or condemnation.

"Blue Acres project" means any project to acquire, for recreation and conservation purposes, lands that have been damaged by, or may be prone to incurring damage caused by, storms or storm-related flooding, or that may buffer or protect other lands from such damage, and includes the demolition of structures on, the removal of debris from, and the restoration of those lands to a natural state or to a state useful for recreation and conservation purposes.

"Charitable conservancy" means a corporation or trust exempt from federal income taxation under paragraph (3) of subsection (c) of section 501 of the federal Internal Revenue Code of 1986 (26 U.S.C. s.501(c)(3)), whose purposes include (1) acquisition and preservation of lands in a natural, scenic, or open condition, or (2) historic preservation of historic properties, structures, facilities, sites, areas, or objects, or the acquisition of such properties, structures, facilities, sites, areas, or objects for historic preservation purposes.

"County trust fund" means a "County Open Space, Recreation, Floodplain Protection, and Farmland and Historic Preservation Trust Fund" created pursuant to subsection c. of section 2 of P.L.1997, c.24 (C.40:12-15.2).

"Development" means any improvement to land acquired for recreation and conservation purposes designed to expand and enhance its utilization for those purposes.

"Farmland" means land actively devoted to agricultural or horticultural use that is valued, assessed, and taxed pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.).

"Farmland preservation purposes" means the long-term preservation of farmland for agricultural or horticultural use.

"Historic preservation" means the performance of any work relating to the stabilization, repair, rehabilitation, renovation, restoration, improvement, protection, or preservation of an historic property, structure, facility, site, area, or object.

"Historic property, structure, facility, site, area, or object" means any property, structure, facility, site, area, or object approved for inclusion, or which meets the criteria for inclusion, in the New Jersey Register of Historic Places pursuant to P.L.1970, c.268 (C.13:1B-15.128 et seq.).

"Land" or "lands" means real property, including improvements thereof or thereon, rights-of-way, water, lakes, riparian and other rights, easements, privileges and all other rights or interests of any kind or description in, relating to or connected with real property.

"Municipal trust fund" means a "Municipal Open Space, Recreation, Floodplain Protection, and Farmland and Historic Preservation Trust Fund" created pursuant to subsection c. of section 7 of P.L.1997, c.24 (C.40:12-15.7).

"Public indoor recreation" means public recreation in enclosed structures or facilities, and includes but is not limited to swimming pools, basketball courts, and ice skating rinks open for public use.

"Recreation and conservation purposes" means the use of lands for parks, open space, natural areas, ecological and biological study, forests, water reserves, wildlife preserves, fishing, hunting, camping, boating, winter sports, or similar uses for either public outdoor recreation or conservation of natural resources, or both, or the use of lands for public indoor recreation.

2. Section 2 of P.L.1997, c.24 (C.40:12-15.2) is amended to read as follows:

C.40:12-15.2 Submission by county of proposition authorizing annual levy.

2. a. (1) The governing body of any county may submit to the voters of the county in a general or special election a proposition authorizing imposition of an annual levy for an amount or at a rate deemed appropriate for any or all of the following purposes, or any combination thereof, as determined by the governing body:

- (a) acquisition of lands for recreation and conservation purposes;
- (b) development of lands acquired for recreation and conservation purposes;
- (c) maintenance of lands acquired for recreation and conservation purposes;
- (d) acquisition of farmland for farmland preservation purposes;
- (e) historic preservation of historic properties, structures, facilities, sites, areas, or objects, and the acquisition of such properties, structures, facilities, sites, areas, or objects for historic preservation purposes;

(f) payment of debt service on indebtedness issued or incurred by a county for any of the purposes set forth in subparagraph (a), (b), (d), (e) or (g) of this paragraph; or

(g) Blue Acres projects.

(2) The amount or rate of the annual levy may be subdivided in the proposition to reflect the relative portions thereof to be allocated to any of the respective purposes specified in paragraph (1) of this subsection or may be depicted as a total amount or rate, to be subdivided in a manner determined previously, or to be determined at a later date, by the governing body of the county after conducting at least one public hearing thereon.

b. Upon approval of the proposition by a majority of the votes cast by the voters of the county, the governing body of the county may annually raise by taxation a sum not to exceed the amount or rate set forth in the proposition approved by the voters for the purposes specified therein. If the amount or rate set forth in the proposition was not subdivided among the various purposes, the governing body of the county may determine the appropriate amount or rate to be allocated to each purpose after conducting at least one public hearing thereon.

c. Amounts raised by the levy imposed pursuant to this section shall be deposited into a "County Open Space, Recreation, Floodplain Protection, and Farmland and Historic Preservation Trust Fund" to be created by the county, and shall be used exclusively for the purposes authorized by the voters of the county. Any interest or other income earned on monies deposited into the county trust fund shall be credited to the fund to be used for the same purposes as the principal. Separate accounts may be created within the county trust fund for the deposit of revenue to be expended for each of the purposes specified in the proposition approved by the voters of the county. A county may deposit other funds into the County Open Space, Recreation, Floodplain Protection, and Farmland and Historic Preservation Trust Fund, as it may, from time to time, deem appropriate.

d. (1) (a) Selection of lands for acquisition for recreation and conservation purposes shall be in accordance with an open space and recreation plan prepared and adopted by the county.

(b) Selection of projects to develop or maintain lands acquired for recreation and conservation purposes shall be in accordance with an open space and recreation development and maintenance plan prepared and adopted by the county.

(c) Selection of farmland for acquisition for farmland preservation purposes shall be in accordance with a farmland preservation plan prepared and adopted by the county or pursuant to the provisions of the "Agriculture

Retention and Development Act," P.L.1983, c.32 (C.4:1C-11 et al.) or any other law enacted for the purpose of preserving farmland, or any rules or regulations adopted pursuant thereto.

(d) Selection of historic preservation projects shall be in accordance with a historic preservation plan prepared and adopted by the county.

(2) Monies in the county trust fund may be used to pay the cost of preparing and adopting the plans required by this subsection.

e. The governing body of a county may submit to the voters of the county in a general or special election a proposition amending or supplementing a proposition previously submitted, approved, and implemented as provided pursuant to this section either (1) changing the amount or rate of the annual levy, or (2) adding or removing purposes authorized pursuant to this section for which the levy may be expended. Upon approval of the amendatory or supplementary proposition by a majority of the votes cast by the voters of the county, the governing body of the county shall implement it in the same manner as set forth in P.L.1997, c.24 (C.40:12-15.1 et seq.) for implementation of the original proposition.

f. Upon petition to the governing body of a county signed by the voters of the county equal in number to at least 15% of the votes cast therein at the last preceding general election, filed with the governing body at least 90 days before a general or special election, the governing body of the county shall submit to the voters of the county in the general or special election the proposition otherwise authorized pursuant to subsection a. or subsection e. of this section, as the case may be.

3. Section 3 of P.L.1997, c.24 (C.40:12-15.3) is amended to read as follows:

C.40:12-15.3 Propositions deemed approved by voters of county.

3. a. Any county whose voters, prior to the effective date of P.L.1997, c.24 (C.40:12-15.1 et seq.), approved pursuant to P.L.1989, c.30 (C.40:12-16 et seq.) a proposition authorizing the acquisition of lands for conservation as open space or as farmland shall be deemed to have approved a proposition for the purposes specified in paragraph (1) of subsection a. of section 2 of P.L.1997, c.24 (C.40:12-15.2), but excluding the purpose specified in subparagraph (c) of that paragraph if the proposition was approved prior to the 24 months immediately preceding the effective date of P.L.1997, c.24 (C.40:12-15.1 et seq.), at the amount or rate specified in the original proposition, which purposes shall be determined by adoption of a resolution or ordinance, as appropriate, by the governing body of the

county after conducting at least one public hearing thereon and subject to the requirements of subsections b., c. and d. of this section. The county open space and farmland preservation trust fund created for the purposes of P.L.1989, c.30 (C.40:12-16 et seq.) shall be dissolved and any monies remaining therein shall be deposited into the "County Open Space, Recreation, Floodplain Protection, and Farmland and Historic Preservation Trust Fund" created pursuant to subsection c. of section 2 of P.L.1997, c.24 to be utilized for the purposes determined by the governing body of the county as authorized pursuant to this subsection.

b. A county shall not expend more than \$100,000 for any proposed project or use to be undertaken pursuant to a resolution or ordinance adopted pursuant to subsection a. of this section authorizing a purpose specified in subparagraph (b), (c), or (f) of paragraph (1) of subsection a. of section 2 of P.L.1997, c.24, unless the governing body of the county first conducts a public hearing on the proposed project or use and adopts a resolution or ordinance, as appropriate, authorizing the expenditure. Any public hearing required pursuant to this subsection shall be held at least 45 days before the governing body of the county takes action to adopt the resolution or ordinance authorizing the expenditure.

c. In addition to any other applicable requirements of law, rule or regulation, the governing body of the county shall provide notice of the public hearing required pursuant to subsection b. of this section at least 30 days before the date of the hearing as follows:

(1) By mailing or otherwise providing a copy of the notice to: (a) the county clerk and to the municipal clerk of every municipality in which the land or lands affected by the proposed project or use are located; and (b) any person who requests in writing of the governing body to receive in advance such notices; and

(2) By publishing the notice in a daily or weekly newspaper of general circulation in the county and each municipality in which the land or lands to be affected by the proposed project or use are located.

d. The governing body of the county shall include the following information in all notices required pursuant to subsection c. of this section: (1) a general description of the proposed project or use and the location of the land or lands to be affected; (2) the aggregate amount of monies to be utilized for the proposed project or use; (3) a schedule setting forth the anticipated commencement and completion date for the proposed project or use; (4) the date, time, and place of the public hearing; (5) a statement that the public may submit written comments to the governing body of the county on or before the date of the public hearing; and (6) the name and

address of the person designated by the governing body of the county to receive the written comments and to contact for additional information.

e. Any county whose voters, prior to the effective date of P.L.1997, c.24 (C.40:12-15.1 et seq.), approved pursuant to R.S.40:12-10 et seq. a proposition authorizing the establishment, maintenance, and improvement of a system of public recreation shall be deemed to have approved a proposition for any or all of the purposes specified in paragraph (1) of subsection a. of section 2 of P.L.1997, c.24 (C.40:12-15.2) at the amount or rate specified in the original proposition, which purposes shall be determined by adoption of a resolution or ordinance, as appropriate, by the governing body of the county after conducting at least one public hearing thereon. Any fund created for the purposes of R.S.40:12-10 et seq. shall be dissolved and any monies remaining therein shall be deposited into the "County Open Space, Recreation, Floodplain Protection, and Farmland and Historic Preservation Trust Fund" created pursuant to subsection c. of section 2 of P.L.1997, c.24 to be utilized for the purposes determined by the governing body of the county as authorized pursuant to this subsection.

4. Section 4 of P.L.1997, c.24 (C.40:12-15.4) is amended to read as follows:

C.40:12-15.4 Lands acquired by county held in trust.

4. Lands acquired by a county using revenue raised pursuant to P.L.1997, c.24 (C.40:12-15.1 et seq.) shall be held in trust and shall be used exclusively for the purposes authorized under P.L.1997, c.24.

After conducting at least one public hearing thereon and upon a finding that the purposes of P.L.1997, c.24 might otherwise be better served or that any land acquired by a county pursuant thereto is required for another public use, which finding shall be set forth in a resolution or ordinance, as appropriate, adopted by the governing body of the county, the governing body may convey, through sale, exchange, transfer, or other disposition, title to, or a lesser interest in, that land, provided that the governing body shall replace any land conveyed under this section by land of at least equal fair market value and of reasonably equivalent usefulness, size, quality, and location to the land conveyed, and any monies derived from the conveyance shall be deposited into the "County Open Space, Recreation, Floodplain Protection, and Farmland and Historic Preservation Trust Fund" created pursuant to subsection c. of section 2 of P.L.1997, c.24 (C.40:12-15.2) for use for the purposes authorized by P.L.1997, c.24 (C.40:12-15.1 et seq.) for monies in the county trust fund. Any such conveyance shall be made in

accordance with the "Local Lands and Buildings Law," P.L.1971, c.199 (C.40A:12-1 et seq.). In the event of conveyance by exchange, the land or improvements thereon to be transferred to the trust shall be at least equal in fair market value and of reasonably equivalent usefulness, size, quality, and location to the land or improvements transferred from the trust.

5. Section 5 of P.L.1997, c.24 (C.40:12-15.5) is amended to read as follows:

C.40:12-15.5 Apportionment by county of amounts raised by taxation.

5. Amounts raised by taxation for the purposes of P.L.1997, c.24 (C.40:12-15.1 et seq.) shall be apportioned by the county board of taxation among the municipalities within the county in accordance with R.S.54:4-49. The amounts so apportioned shall be assessed, levied and collected in the same manner and at the same time as other county taxes. The tax collected pursuant to P.L.1997, c.24 shall be referred to as the "County Open Space, Recreation, Floodplain Protection, and Farmland and Historic Preservation Tax."

6. Section 6 of P.L.1997, c.24 (C.40:12-15.6) is amended to read as follows:

C.40:12-15.6 Adoption by county of resolution authorizing distribution of monies.

6. a. The governing body of any county in which the voters of the county have approved a proposition in accordance with P.L.1997, c.24 (C.40:12-15.1 et seq.) may adopt a resolution authorizing the distribution of monies deposited into the "County Open Space, Recreation, Floodplain Protection, and Farmland and Historic Preservation Trust Fund" created pursuant to subsection c. of section 2 of P.L.1997, c.24 (C.40:12-15.2), in such portions as deemed appropriate, to municipalities within the county or to charitable conservancies, to be used in the county by those municipalities or charitable conservancies for the purposes of P.L.1997, c.24 in accordance with the provisions, conditions, and requirements thereof, provided that any municipality or charitable conservancy receiving such monies has presented a plan to the county documenting the proposed use of the monies.

b. Lands acquired by a municipality pursuant to this section shall be held in trust and shall be used exclusively for the purposes authorized by P.L.1997, c.24.

c. The governing body of a municipality acquiring lands using monies received pursuant to this section shall have full control of the lands and

may adopt an ordinance providing for (1) suitable rules, regulations, and bylaws for use of the lands, (2) the enforcement of those rules, regulations and bylaws, and (3) when appropriate, the charging and collection of reasonable fees for use of the lands or for activities conducted thereon.

d. In order to qualify to receive monies from a county trust fund pursuant to this section, the board of directors, board of trustees, or other governing body, as appropriate, of an applying charitable conservancy shall:

(1) demonstrate to the governing body of the county that it qualifies as a charitable conservancy;

(2) agree to use the monies only in connection with lands located in the county and for the purposes authorized by P.L.1997, c.24;

(3) agree to make and keep the lands accessible to the public, unless the governing body of the county determines that public accessibility would be detrimental to the lands or to any natural or historic resources associated therewith;

(4) agree not to sell, lease, exchange, transfer, or donate the lands for which the monies received were allocated for use pursuant to this section, except upon approval of the governing body of the county under such conditions as the governing body may establish; and

(5) agree to execute and donate to the county at no charge (a) a conservation restriction or historic preservation restriction, as the case may be, pursuant to P.L.1979, c.378 (C.13:8B-1 et seq.), or (b) a development easement, as defined pursuant to section 3 of P.L.1983, c.32 (C.4:1C-13), as appropriate, on the lands for which the monies received were allocated for use pursuant to this section.

7. Section 7 of P.L.1997, c.24 (C.40:12-15.7) is amended to read as follows:

C.40:12-15.7 Submission by municipality of proposition authorizing annual levy.

7. a. (1) The governing body of any municipality may submit to the voters of the municipality in a general or special election a proposition authorizing imposition of an annual levy for an amount or at a rate deemed appropriate for any or all of the following purposes, or any combination thereof, as determined by the governing body:

(a) acquisition of lands for recreation and conservation purposes;

(b) development of lands acquired for recreation and conservation purposes;

(c) maintenance of lands acquired for recreation and conservation purposes;

- (d) acquisition of farmland for farmland preservation purposes;
- (e) historic preservation of historic properties, structures, facilities, sites, areas, or objects, and the acquisition of such properties, structures, facilities, sites, areas, or objects for historic preservation purposes;
- (f) payment of debt service on indebtedness issued or incurred by a municipality for any of the purposes set forth in subparagraph (a), (b), (d), (e) or (g) of this paragraph; or
- (g) Blue Acres projects.

(2) The amount or rate of the annual levy may be subdivided in the proposition to reflect the relative portions thereof to be allocated to any of the respective purposes specified in paragraph (1) of this subsection or may be depicted as a total amount or rate, to be subdivided in a manner determined previously, or to be determined at a later date, by the governing body of the municipality after conducting at least one public hearing thereon.

b. Upon approval of the proposition by a majority of the votes cast by the voters of the municipality, the governing body of the municipality may annually raise by taxation a sum not to exceed the amount or rate set forth in the proposition approved by the voters for the purposes specified therein. If the amount or rate set forth in the proposition was not subdivided among the various purposes, the governing body of the municipality may determine the appropriate amount or rate to be allocated to each purpose after conducting at least one public hearing thereon.

c. Amounts raised by the levy imposed pursuant to this section shall be deposited into a "Municipal Open Space, Recreation, Floodplain Protection, and Farmland and Historic Preservation Trust Fund" to be created by the municipality, and shall be used exclusively for the purposes authorized by the voters of the municipality. Any interest or other income earned on monies deposited into the municipal trust fund shall be credited to the fund to be used for the same purposes as the principal. Separate accounts may be created within the municipal trust fund for the deposit of revenue to be expended for each of the purposes specified in the proposition approved by the voters of the municipality. A municipality may deposit other funds into the Municipal Open Space, Recreation, Floodplain Protection, and Farmland and Historic Preservation Trust Fund, as it may, from time to time, deem appropriate.

d. The governing body of a municipality may submit to the voters of the municipality in a general or special election a proposition amending or supplementing a proposition previously submitted, approved, and implemented as provided pursuant to this section either (1) changing the amount or rate of the annual levy, or (2) adding or removing purposes authorized pursuant to this section for which the levy may be expended. Upon ap-

proval of the amendatory or supplementary proposition by a majority of the votes cast by the voters of the municipality, the governing body of the municipality shall implement it in the same manner as set forth in P.L.1997, c.24 for implementation of the original proposition.

e. Upon petition to the governing body of a municipality signed by the voters of the municipality equal in number to at least 15% of the votes cast therein at the last preceding general election, filed with the governing body at least 90 days before a general or special election, the governing body of the municipality shall submit to the voters of the municipality in the general or special election the proposition otherwise authorized pursuant to subsection a. or subsection d. of this section, as the case may be.

8. Section 8 of P.L.1997, c.24 (C.40:12-15.8) is amended to read as follows:

C.40:12-15.8 Propositions deemed approved by voters of municipality.

8. Any municipality whose voters, prior to the effective date of P.L.1997, c.24 (C.40:12-15.1 et seq.), approved pursuant to R.S.40:12-10 et seq. a proposition authorizing the establishment, maintenance, and improvement of a system of public recreation shall be deemed to have approved a proposition for any or all of the purposes specified in paragraph (1) of subsection a. of section 7 of P.L.1997, c.24 (C.40:12-15.7) at the amount or rate specified in the original proposition, which purposes shall be determined by adoption of an ordinance by the governing body of the municipality after conducting at least one public hearing thereon. Any fund created for the purposes of R.S.40:12-10 et seq. shall be dissolved and any monies remaining therein shall be deposited into the "Municipal Open Space, Recreation, Floodplain Protection, and Farmland and Historic Preservation Trust Fund" created pursuant to subsection c. of section 7 of P.L.1997, c.24 (C.40:12-15.7) to be utilized for the purposes determined by the governing body of the municipality as authorized pursuant to this section.

9. Section 9 of P.L.1997, c.24 (C.40:12-15.9) is amended to read as follows:

C.40:12-15.9 Lands acquired by municipality held in trust.

9. Lands acquired by a municipality using revenue raised pursuant to P.L.1997, c.24 (C.40:12-15.1 et seq.) shall be held in trust and shall be used exclusively for the purposes authorized under P.L.1997, c.24.

After conducting at least one public hearing thereon and upon a finding that the purposes of P.L.1997, c.24 might otherwise be better served or that any land acquired by a municipality pursuant thereto is required for another public use, which finding shall be set forth in an ordinance adopted by the governing body of the municipality, the governing body may convey, through sale, exchange, transfer, or other disposition, title to, or a lesser interest in, that land, provided that the governing body shall replace any land conveyed under this section by land of at least equal fair market value and of reasonably equivalent usefulness, size, quality, and location to the land conveyed, and any monies derived from the conveyance shall be deposited into the "Municipal Open Space, Recreation, Floodplain Protection, and Farmland and Historic Preservation Trust Fund" created pursuant to subsection c. of section 7 of P.L.1997, c.24 (C.40:12-15.7) for use for the purposes authorized by P.L.1997, c.24 for monies in the municipal trust fund. Any such conveyance shall be made in accordance with the "Local Lands and Buildings Law," P.L.1971, c.199 (C.40A:12-1 et seq.). In the event of conveyance by exchange, the land or improvements thereon to be transferred to the trust shall be at least equal in fair market value and of reasonably equivalent usefulness, size, quality, and location to the land or improvements transferred from the trust.

10. Section 7 of P.L.1992, c.157 (C.40:12-16.1) is amended to read as follows:

C.40:12-16.1 Adoption of prioritized list of eligible farmland.

7. The county agriculture development board of a county in which the voters of the county have approved, in a general or special election, a proposition authorizing the acquisition of lands for farmland preservation purposes pursuant to P.L.1989, c.30 (C.40:12-16 et seq.) or P.L.1997, c.24 (C.40:12-15.1 et seq.) shall, pursuant to the provisions of section 24 of P.L.1983, c.32 (C.4:1C-31), adopt a prioritized list of farmland eligible for acquisition of development easements thereon by installment purchase agreements pursuant to the provisions of P.L.1992, c.157 (C.40:12-16.1 et al.) if the county intends to acquire development easements on farmland in that manner. The governing body of the county shall annually appropriate from the "County Open Space, Recreation, Floodplain Protection, and Farmland and Historic Preservation Trust Fund" created pursuant to subsection c. of section 2 of P.L.1997, c.24 (C.40:12-15.2) such amounts as it may deem necessary to finance the acquisition of development easements on farmland within that county by installment purchase agreement.

11. This act shall take effect immediately.

Approved January 5, 2012.

CHAPTER 174

AN ACT concerning certain reporting requirements, designated as Caylee's Law, amending P.L.1967, c.234, and supplementing chapter 12 of Title 2C of the New Jersey Statutes.

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

1. Section 12 of P.L.1967, c.234 (C.52:17B-89) is amended to read as follows:

C.52:17B-89 Report of death required; violation.

12. Any person who may become aware of any death by criminal violence, by accident or suicide, or in any suspicious or unusual manner, shall report that death to the office of county medical examiner, the office of State Medical Examiner, or to the police department of the municipality in which the person died.

Any person who shall willfully neglect or refuse to report the death, or who, without an order from the office of county medical examiner or the office of State Medical Examiner, shall willfully touch, remove, or disturb the body of the person, or touch, remove or disturb the clothing upon or near the body, is guilty of a crime of the fourth degree.

C.2C:12-1.3 Report of missing child required.

2. a. A parent, guardian, or other person with legal custody of a child who knew or should have known of the disappearance of a child for which that parent, guardian, or other person is responsible who fails to report the missing child to the appropriate law enforcement agency within 24 hours shall be guilty of a crime of the fourth degree.

b. For the purposes of this section, a "missing child" means a person 13 years of age or younger whose whereabouts are not currently known.

3. This act shall take effect immediately.

Approved January 5, 2012.

CHAPTER 175

AN ACT concerning screening for certain disorders in newborn infants, designated as Emma's Law, and supplementing Title 26 of the Revised Statutes.

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

C.26:2-111.5 Testing of newborns for certain lysosomal storage disorders required.

1. a. All infants born in this State shall be tested for the lysosomal storage disorders known as Krabbe, Pompe, Gaucher, Fabry, and Niemann-Pick diseases within six months following the occurrence of all of the following:

(1) the registration with the federal Food and Drug Administration of the necessary reagents;

(2) the availability of the necessary reagents from the federal Centers for Disease Control and Prevention;

(3) the availability of quality assurance testing methodology for these processes; and

(4) the acquisition by the Department of Health and Senior Services of the equipment necessary to implement the expanded screening tests.

b. The Department of Health and Senior Services may charge a reasonable fee for the tests performed pursuant to this section. The amount of the fee and the procedures for collecting the fee shall be determined by the Commissioner of Health and Senior Services.

2. This act shall take effect immediately.

Approved January 6, 2012.

CHAPTER 176

AN ACT concerning the development of renaissance school projects in failing school districts and supplementing Title 18A of the New Jersey Statutes.

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

C.18A:36C-1 Short title.

1. This act shall be known and may be cited as the “Urban Hope Act.”

C.18A:36C-2 Findings, declarations relative to the “Urban Hope Act.”

2. The Legislature finds and declares that:
 - a. Maintaining a thorough and efficient public school system is among the Legislature’s most important responsibilities;
 - b. Although New Jersey’s per pupil public school expenditures are among the highest in the nation, many of the State’s students are failing to achieve the core curriculum content standards;
 - c. Many of those students are confined to a number of persistently failing school districts and schools that, year after year, have been unable to convert increased State aid and other resources into improved student achievement, higher graduation rates, or greater student readiness for post-secondary education and gainful employment;
 - d. For those school districts and schools, it is necessary to provide local boards of education, parents, students, and teachers with more and better options for addressing their failing schools; and
 - e. One such option is to allow a small number of school districts with high concentrations of at-risk students to, on a limited pilot program basis, partner with one or more nonprofit entities to create “renaissance schools.” While creation of these schools is voluntary, it is the hope of the Legislature that the districts will find suitable nonprofit partners and establish one or more renaissance schools dedicated to providing New Jersey’s students with the educators, facilities, and resources to prepare them for college and career.

C.18A:36C-3 Definitions relative to the “Urban Hope Act.”

3. As used in this act:
 - “Commissioner” means the Commissioner of Education.
 - “Failing district” means: in accordance with data from the Statewide assessment reports issued by the Department of Education (1) in the case of a school district located in a city of the first class, a school district in which at least 40% of the students scored in the partially proficient range in the language arts and mathematics sections of each State assessment administered in the 2009-2010 school year; and (2) in the case of a school district located in a city of the second class, a school district in which at least 45% of the students scored in the partially proficient range in the language arts and mathematics sections of each State assessment administered in the 2009-2010 school year.

“Per pupil expenditure” means the sum of the budget year equalization aid per pupil, budget year adjustment aid per pupil, and the prebudget year general fund tax levy per pupil inflated by the CPI rate most recent to the calculation.

“School facility” means and includes any structure, building, or facility used wholly or in part for educational purposes by the students of a school district.

“Renaissance school district” is a failing district in which renaissance school projects shall be established.

“Renaissance school project” means a newly-constructed school, or group of schools in a common campus setting, that provides an educational program for students enrolled in grades K through 12 or in a grade range less than K through 12, that is agreed to by the school district, and is operated and managed by a nonprofit entity in a renaissance school district.

C.18A:36C-4 Application to create renaissance school district.

4. a. A nonprofit entity, in partnership with the renaissance school district, may submit to the commissioner an application to create a renaissance school project no later than three years following the effective date of this act. A nonprofit entity seeking to create a renaissance school project shall have experience in operating a school in a high-risk, low-income urban district. In addition, an entity retained by the nonprofit entity for the purpose of financing or constructing the renaissance school project shall also have appropriate experience.

b. The application shall be in a form prescribed by the commissioner, but at a minimum it shall contain the following:

(1) except as otherwise provided in this paragraph, a resolution adopted in a public meeting by the board of education of the renaissance school district in which the renaissance school project will be located certifying the support of the board for the application. In the case of a district under full or partial State intervention with an advisory board of education, the application shall contain evidence that that State district superintendent or superintendent, as applicable, convened at least three public meetings to discuss the merits of the renaissance school project. The evidence shall include, at a minimum, any written public comments received during those meetings. In the case of these districts, the application shall contain a resolution from the advisory board of education reflecting the board’s approval or disapproval of the renaissance school project. While a successful application does not require approval from the advisory board of education, the

commissioner, in considering the application, shall give due consideration to any disapproval from the advisory board;

(2) a copy of the amendment to the renaissance school district's long-range facilities plan which has been submitted to the commissioner pursuant to section 4 of P.L.2000, c.72 (C.18A:7G-4) that includes the proposed renaissance school project;

(3) the educational goals of the renaissance school project, the curriculum to be offered, and the methods of assessing whether students are meeting the proffered educational goals;

(4) any testing and academic performance standards to be mandated by the renaissance school project beyond those required by State law and regulation;

(5) the admission policy and criteria for evaluating the admission of students to the renaissance school project, which shall comply with the provisions of section 8 of this act;

(6) the age or grade range of students to be enrolled in the renaissance school project;

(7) the total number of students to be enrolled in each grade level of the renaissance school project;

(8) the renaissance school project calendar and school day schedule;

(9) the financial plan for the renaissance school project and the provisions that will be made for auditing pursuant to N.J.S.18A:23-1;

(10) a description of, and address for, the school facility or facilities in which the renaissance school project will be located;

(11) documentation that the proposed renaissance school project meets the facilities efficiency standards developed by the commissioner pursuant to subsection h. of section 4 of P.L.2000, c.72 (C.18A:7G-4), and any school facility regulations promulgated by the State Board of Education or the Department of Community Affairs;

(12) documentation of the funds available to construct the renaissance school project, including the terms of any financing secured for such purpose;

(13) if the renaissance school project includes the acquisition of land, the application shall include, at a minimum: (a) a description of the land to be acquired; (b) the costs of acquisition; (c) the timetable for acquisition; and (d) the plan for financing the acquisition;

(14) identification of the attendance area of the renaissance school project, if the renaissance school project will not be built on land owned by the New Jersey Schools Development Authority or the renaissance school district;

(15) a description of the process employed by the renaissance school district to find and partner with the chosen nonprofit entity to create a renaissance school project. The description shall be sufficient to show that the process employed by the renaissance school district was open, fair, and subject to public input and comment. The description shall, at a minimum, include any requests for proposals issued by the renaissance school district, the number of responses received, and the process and criteria employed by the renaissance school district to select the chosen nonprofit entity among the respondents; and

(16) such other information as the commissioner may require.

C.18A:36C-5 Limitation on renaissance projects per district, review of applications.

5. The commissioner may not approve more than four renaissance school projects in any one renaissance school district. Nothing in this act shall prohibit a renaissance school project that provides an educational program for a grade range less than K through 12 from expanding grade levels after the approval by the commissioner of the initial application.

In reviewing and judging applications for renaissance school projects, the factors considered by the commissioner may include, but not be limited to:

- a. The likelihood that the renaissance school project will improve academic achievement in the renaissance school district;
- b. The strength of the support for the renaissance school project from the school district, board of education, and parents;
- c. The facilities plan for the renaissance school project;
- d. Diversity of school type, elementary school, middle school, and high school, among the proposed renaissance school projects; and
- e. Any other factors deemed significant by the commissioner.

C.18A:36C-6 Contract, filing of organizational document.

6. a. The nonprofit entity and the renaissance school district in which the renaissance school project will be located shall enter into a contract setting forth the terms and conditions for the renaissance school project including, but not limited to, the operation, management, and funding of the renaissance school project. The contract shall be submitted to the commissioner for approval.

b. The nonprofit entity shall file with the commissioner an organizational document for the renaissance school project setting forth: the name of the renaissance school project, the grade levels of the school, the location of the school, and the total enrollment of the school; the mission statement for the renaissance school project; the curriculum for the renaissance school

project; the length of the renaissance school project school day and school year; and such other information as the commissioner may require.

C.18A:36C-7 Renaissance schools considered public schools.

7. a. Notwithstanding that a renaissance school project shall be constructed, controlled, operated, and managed by a nonprofit entity, and not the local board of education, it shall be a public school. However nothing contained herein shall restrict a for-profit entity from constructing a renaissance school project, or a renaissance school project from being located on land owned by a for-profit entity. Further, the renaissance school project shall be authorized to retain any business entity, however formed, whose primary purpose is the staffing, operation, and management of elementary schools, middle schools, or high schools in the United States, except as it relates to instructional services.

b. The costs of a renaissance school project including, but not limited to, the costs of land acquisition, site remediation, site development, design, construction, and any other costs required to place into service the school facility or facilities constituting the renaissance school project shall be at the sole expense of the nonprofit entity. The nonprofit entity may use State funds to pay for a lease, debt service, or mortgage for any facility constructed or otherwise acquired.

c. Notwithstanding the provisions of the "Educational Facilities Construction and Financing Act," P.L.2000, c.72 (C.18A:7G-1 et al.), or any other law or regulation to the contrary, there shall be no State share for the costs of a renaissance school project.

d. Notwithstanding the provisions of the "Public School Contracts Law," N.J.S.18A:18A-1 et seq., or any other law or regulation to the contrary, the nonprofit entity or any entity acting in cooperation with a renaissance school project shall not be subject to public bidding for goods and services, and any contracts entered into by the nonprofit entity shall not be deemed public contracts or public works; except that any contract entered into by the nonprofit entity or any entity acting in cooperation with a renaissance school project shall be deemed a public work for the purposes of the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.), and subject to the applicable provisions of that act.

e. The renaissance school district in which a renaissance school project is located shall pay to the nonprofit entity in 12 equal monthly installments an amount per pupil equal to 95% of the district's per pupil expenditure. In addition the 12 monthly installments shall include the security categorical aid attributable to the student, a percentage of the district's special education

categorical aid equal to the percentage of the district's special education students enrolled in the renaissance school project, and if applicable 100% of preschool education aid. The district shall also pay directly to the renaissance school project any federal funds attributable to the student.

f. Renaissance school projects shall be required to meet the same testing and academic performance standards established by law and regulation for public school students, and shall meet any additional testing and academic performance standards established by the nonprofit entity and approved by the commissioner.

g. The nonprofit entity shall have complete discretion in naming the renaissance school project. The nonprofit entity may not realize a net profit from its operation of a renaissance school project. A private or parochial school shall not be eligible for renaissance school project status.

h. A nonprofit entity shall operate a renaissance school project in accordance with the contract entered into pursuant to section 6 of this act, the provisions of this act, and the laws and regulations that govern other public schools which are not inconsistent with this act.

C.18A:36C-8 Enrollment in renaissance school.

8. a. In the case of a renaissance school project built on land owned by the New Jersey Schools Development Authority or the renaissance school district, students residing in the attendance area established by the renaissance school district for that property shall be automatically enrolled in the renaissance school project. The parent or guardian of the student may determine not to enroll the student in the renaissance school project, and in that case the student shall be eligible for enrollment in another school in the renaissance school district. If spaces remain available in the renaissance school project, students shall be selected for the remaining spaces through a lottery system. The first lottery shall include students who attend a public school in the renaissance school district but reside outside the attendance area of the renaissance school. If space remains available, a second lottery shall be conducted that may include students who reside outside of the renaissance school district.

b. In the case of a renaissance school project which is not built on land owned by the New Jersey Schools Development Authority or the renaissance school district, preference for enrollment in the renaissance school project shall be given to students who reside in the attendance area identified in the application submitted by the nonprofit entity and approved by the commissioner for the renaissance school project. In no case may an attendance area include an area outside of the renaissance school district. If

spaces remain available in the renaissance school project, then the renaissance school project may select students for the remaining spaces through a lottery system.

In developing and executing its selection process, the nonprofit entity shall not discriminate on the basis of intellectual or athletic ability, measures of achievement or aptitude, status as a handicapped person, proficiency in the English language, or any other basis that would be illegal if used by a school district. A nonprofit entity may, however, limit admission to a particular grade level or levels consistent with its organizational document.

C.18A:36C-9 Employees of renaissance school project.

9. a. The employees of a renaissance school project shall not be deemed to be members of the bargaining unit of the renaissance school district.

b. In hiring its employees for a renaissance school project, a nonprofit entity shall be subject to the provisions of the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.). A nonprofit entity shall not set a teacher salary lower than the minimum teacher salary specified pursuant to section 7 of P.L.1985, c.321 (C.18A:29-5.6).

c. All principals, administrators, classroom teachers, and professional support staff hired by a nonprofit entity to work in a renaissance school project shall hold appropriate New Jersey certifications and shall possess all the tenure rights as employees of a board of education of a school district as provided in Title 18A and other laws and regulations.

C.18A:36C-10 Authorization of renaissance school project, renewal.

10. a. The renaissance school project shall be authorized for 10 years from the date of opening, subject to periodic reviews by the commissioner. The renaissance school project shall be automatically renewed for additional five-year periods provided there is not a breach of the agreement that outlines the terms and conditions of the renaissance school project.

Every ten years, the commissioner shall conduct a comprehensive review of the renaissance school project prior to granting a renewal. Renewal at these 10-year intervals shall be presumed provided there is not a breach of the agreement that outlines the terms and conditions of the renaissance school project and the renaissance school project's average percent of students proficient on the New Jersey Assessment of Skills and Knowledge, if the school includes any grades from three to eight, or on the New Jersey High School Proficiency Assessment, if the school includes grades 11 and 12, exceed the average percent of students proficient for the renaissance school district in which it is located in like grades by 15 percent or more in

language arts literacy, mathematics, or both after five years, and 25 percent or more in language arts literacy, mathematics, or both after ten years, or achieves the State-level proficiency standards during that period.

b. The commissioner shall periodically assess whether each renaissance school project is meeting its goals and improving student achievement. In order to facilitate the commissioner's review, each renaissance school project shall submit an annual report to the commissioner in the form prescribed by the commissioner. The report shall be received annually by August 1 and shall be made publicly available immediately thereafter, including on the Department of Education's website.

c. The commissioner shall have on-going access to the records and facilities of the renaissance school project and the nonprofit entity to ensure that the renaissance school project is in compliance with its organizational document and with State laws and regulations.

d. Five years following the date of the opening of the third renaissance school project, or ten years after the opening of the first renaissance school project, whichever occurs first, a review of the efficacy of the program shall be conducted by an independent education researcher or research organization selected by the commissioner. The independent review shall be funded by the Department of Education. The review shall include interviews with staff, parents, and resident district representatives, and a fiscal and educational assessment. The commissioner shall report the results of the review to the Governor, the State Board of Education, and to the Legislature as provided pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), and, in addition, the Governor shall report on the efficacy of the renaissance school projects in educating students and whether additional renaissance school districts should be authorized and, if so, how many. The commissioner shall also recommend any changes to this act deemed appropriate based on experience with the renaissance school projects and the independent review.

C.18A:36C-11 Conveyance of land by authority to renaissance school project.

11. a. Notwithstanding the provisions of the "Educational Facilities Construction and Financing Act," P.L.2000, c.72 (C.18A:7G-1 et al.), or any other law or regulation to the contrary, when an entity seeks to build a renaissance school project on land owned by the New Jersey Schools Development Authority, the authority may convey the land by ground lease or fee simple title to either the renaissance school district or the entity if the authority determines conveyance to be in the best interests of the State, provided that such conveyance, whether by ground lease or fee simple title shall (1) contain a restriction that the land be used solely for a school or it

shall revert to the authority; and (2) be for such consideration and on such terms as the authority determines to be in the best interests of the State.

b. Notwithstanding any other law to the contrary, in the event of a conveyance by the authority to a renaissance school district pursuant to this section, the renaissance school district is authorized to enter into a sub-lease of the property to the entity as required to effectuate the renaissance school project. The sub-lease shall be submitted to the commissioner for his review and approval. The sub-lease shall contain a restriction that the land be used solely for the renaissance school project or it shall revert to the school district.

C.18A:36C-12 Conveyance of land by board of education to renaissance school project.

12. Whenever any board of education shall by resolution determine that any tract of land is no longer desirable or necessary for school purposes it may authorize the conveyance thereof, for a nominal consideration, to a renaissance school project established pursuant to P.L.2011, c.176 (C.18A:36C-1 et seq.). The president and secretary of the board shall be authorized to execute and deliver a conveyance for the same in the name and under the seal of the board, which conveyance shall be subject to a condition providing that the land shall be used by the renaissance school project for school purposes, and in the event that the property shall cease to be used for those purposes, the property shall thereupon revert to and the title thereof shall vest in the board of education making the conveyance thereof hereunder.

C.18A:36C-13 Regulations.

13. The Commissioner of Education, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) shall adopt regulations to effectuate the purposes of this act; except that, notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et seq.), to the contrary, the commissioner may adopt, immediately upon filing with the Office of Administrative Law, such regulations as the commissioner deems necessary to implement the provisions of this act, which regulations shall be effective for a period not to exceed 12 months and may, thereafter, be amended, adopted, or readopted by the commissioner in accordance with the requirements of P.L.1968, c.410 (C.52:14B-1 et seq.).

14. This act shall take effect immediately.

Approved January 12, 2012.

CHAPTER 177

AN ACT creating the Rockland-Bergen Bistate River Commission and supplementing Title 32 of the Revised Statutes.

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

C.32:20B-1 Short title.

1. This act shall be known, and may be cited, as the “Rockland-Bergen Watershed Flood Prevention and Protection Act.”

C.32:20B-2 Findings, declarations relative to a bistate river commission.

2. The Legislature finds and declares that the States of New Jersey and New York and their respective citizens share a common concern to protect their personal safety and property through the identification and remediation of potential flood hazards along the Hackensack River, Sparkill Brook/Creek, Saddle River, Ramapo/Mahwah River, and their tributaries and watersheds; that because the Hackensack River, Sparkill Brook/Creek, Saddle River, Ramapo/Mahwah River, and their tributaries cross the interstate border region, the identification and remediation of potential flood hazards require a bistate comprehensive approach; that a bistate comprehensive flood prevention approach will also help ensure the preservation and maintenance of the environmental benefits of the Hackensack River, Sparkill Brook/Creek, Saddle River, Ramapo/Mahwah River, and their tributaries; that a bistate approach will encourage open space preservation and recreational opportunities along the Hackensack River, Sparkill Brook/Creek, Saddle River, Ramapo/Mahwah River, and their tributaries; and that there has been a long history of cooperation among state and local governmental entities and various private organizations and individuals in the vicinity of the Hackensack River, Sparkill Brook/Creek, Saddle River, Ramapo/Mahwah River, and their tributaries to ensure the preservation of those water bodies and watersheds.

The Legislature therefore determines that there is a need to endorse and formalize that bistate cooperative effort to identify and remediate potential flood hazards and to protect the natural, scenic and recreational opportunities of the Hackensack River, Sparkill Brook/Creek, Saddle River, Ramapo/Mahwah River and their tributaries; and that the creation of a bistate commission is an appropriate means to accomplish these very important goals.

C.32:20B-3 Definitions relative to a bistate river commission.

3. As used in this act:

“Bistate region” means tributaries and watersheds of the Hackensack River, Sparkill Brook/Creek, Saddle River, Ramapo/Mahwah River within the County of Bergen in New Jersey and the County of Rockland in New York.

“Resident voter” means an individual registered to vote and who actually votes in a district within the County of Bergen in New Jersey or the County of Rockland in New York.

C.32:20B-4 Rockland-Bergen Bistate River Commission.

4. a. There is created the Rockland-Bergen Bistate River Commission, which shall comprise 18 members.

The commission shall include 12 voting members, as follows: the Commissioner of the New Jersey Department of Environmental Protection, or a designee thereof, who shall serve ex officio; the Commissioner of the New York Department of Environmental Conservation, or a designee thereof, who shall serve ex officio; and 10 members of the public with a background or experience in the protection, preservation, maintenance, management, or enhancement of rivers or the natural, scenic, or recreational resources associated therewith, or with a background or experience in building or engineering, who are resident voters of the County of Bergen in New Jersey or the County of Rockland in New York, of whom one shall be appointed by the Governor of the State of New Jersey, one shall be appointed by the Governor of the State of New York, one shall be appointed by the President of the Senate of the State of New Jersey, one shall be appointed by the Minority Leader of the Senate of the State of New Jersey, one shall be appointed by the Speaker of the General Assembly of the State of New Jersey, one shall be appointed by the Minority Leader of the General Assembly of the State of New Jersey, one shall be appointed by the President of the Senate of the State of New York, one shall be appointed by the Minority Leader of the Senate of the State of New York, one shall be appointed by the Speaker of the Assembly of the State of New York and one shall be appointed by the Minority Leader of the Assembly of the State of New York.

Additionally, the commission shall include six non-voting members, as follows: the Commissioner of the New Jersey Department of Transportation, or a designee thereof, who shall serve ex officio; the Commissioner of the New York State Department of Transportation, or a designee thereof, who shall serve ex officio; the County Executive of the County of Bergen in New Jersey, or a designee thereof, who shall serve ex officio; the County Executive of the County of Rockland in New York, or a designee thereof,

who shall serve ex officio; a representative of United Water, Inc.; and a representative of the United States Army Corps of Engineers.

b. Vacancies in the appointed positions on the commission shall be filled in the same manner as the original appointments were made.

c. Members of the commission shall serve without compensation, but the commission may, within the limits of funds appropriated or otherwise made available to it, reimburse members for actual expenses necessarily incurred in the discharge of their official duties.

d. Members of the commission shall serve at the pleasure of the relevant appointing authority.

C.32:20B-5 Organization of commission.

5. a. The commission shall organize as soon as may be practicable after the appointment of its members, and shall select two co-chairpersons from its members, one from each state, and a secretary who need not be a member.

b. The commission shall meet regularly as it may determine. Meetings of the commission shall be at such times and places as the co-chairpersons of the commission deem appropriate, but to the maximum extent practicable and feasible, shall be rotated between the two states on an alternating basis. Meetings held in New Jersey shall be subject to the provisions and requirements of the "Senator Byron M. Baer Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.). Meetings held in New York shall be subject to the provisions and requirements of that state's open meetings law, article 7 of the public officers law.

c. A majority of the voting membership of the commission shall constitute a quorum for the transaction of commission business. Action may be taken and motions and resolutions adopted by the commission at any meeting thereof by the affirmative vote of seven voting members of the commission.

d. The commission shall be entitled to call to its assistance, and avail itself of the services of, such employees of the two states, or any political subdivisions, instrumentalities, entities, agencies, or authorities thereof, as it may require and as may be made available to it for the purpose of carrying out its duties under this act. If requested by the commission, the New Jersey Department of Environmental Protection and the New York Department of Environmental Conservation shall provide primary staff support.

e. The commission may, within the limits of funds appropriated or otherwise made available to it for those purposes, employ such professional, technical, and clerical staff and incur such traveling and other miscellaneous expenses as it may deem necessary in order to perform its duties.

C.32:20B-6 Duties of commission.

6. The duties of the commission shall be to:
 - a. identify existing and projected flood hazards in the bistate region;
 - b. recommend, propose and coordinate a comprehensive plan to remediate existing and projected flood hazards in the bistate region;
 - c. assess present and projected development, land use, and land management practices and patterns, and identify actual and potential environmental threats and problems, in the bistate region, and determine the effects of those practices and patterns, threats, and problems upon the natural, scenic, and recreational resources of the bistate region;
 - d. offer recommended regulations, procedures, policies, planning strategies, and model ordinances and resolutions pertaining to the protection, preservation, maintenance, management, and enhancement of the bistate region, which would be implemented as appropriate on a voluntary basis by the municipalities within the bistate region, provided, however, that the commission shall not adopt rules or regulations;
 - e. coordinate environmental cleanup, maintenance, and protection efforts undertaken, for the benefit of the bistate region, by the municipalities within the bistate region;
 - f. coordinate with the New Jersey Department of Environmental Protection and the New York Department of Environmental Conservation, including, but not limited to, their watershed management programs, the United States Army Corps of Engineers and the municipalities within the bistate region;
 - g. recommend appropriate state legislation and administrative action pertaining to the protection, preservation, maintenance, management, and enhancement of the bistate region;
 - h. advocate, and where appropriate, act as a coordinating, distributing, or recipient agency for, federal, state, or private funding of environmental cleanup, maintenance, and protection projects, flood prevention projects and flood hazard remediation for the bistate region, which projects may include the work of the commission; and
 - i. take such other action as may be appropriate or necessary to further the purpose of this act.

C.32:20B-7 Report to Governors, Legislatures.

7. The commission shall, within 18 months after the date it organizes, and annually thereafter, prepare a progress report on its activities, and submit it, together with any recommendations for legislation, administrative action, or action by local governments, to the Governors and Legislatures of the States of New Jersey and New York. For New Jersey, each such re-

port shall be submitted to the Legislature in accordance with the requirements of section 2 of P.L.1991, c.164 (C.52:14-19.1).

C.32:20B-8 Examination of accounts, books; report.

8. The State Comptroller of New Jersey and the comptroller of the state of New York are hereby authorized and empowered from time to time to examine the accounts and books of the commission, including its receipts, disbursements, and such other items referring to its financial standing as the comptroller may deem proper and to report the results of such examination to the Governors and Legislatures of the States of New Jersey and New York. Such report shall be submitted to the New Jersey Legislature in accordance with the requirements of section 2 of P.L.1991, c.164 (C.52:14-19.1).

C.32:20B-9 Effective date dependent on enactment of legislation in New York.

9. This act shall take effect upon enactment of substantially similar legislation by the State of New York, unless the State of New York has enacted such legislation prior to the date of enactment of this act, in which case this act shall take effect immediately.

Approved January 17, 2012.

CHAPTER 178

AN ACT concerning emergency management, supplementing chapter 9 of Appendix A, and amending P.L.1989, c.222.

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

C.App.A:9-43.8 Definitions relative to coastal evacuation.

1. For the purposes of this act:

“Alternative emergency power generator” means an electricity-generating installation system that operates to provide the electricity needs of a building or structure if the normal source of electricity is disrupted due to a power outage.

“Critical infrastructure” means all buildings or structures in the State that are indispensably necessary for national security, economic stability, and public safety.

“Director” means the Director of the State Office of Emergency Management in the Division of State Police.

“Emergency” means an emergency or local disaster emergency as defined in section 3 of P.L.1953, c. 438 (C.App.A:9-33.1).

“Lane reversal strategy” means an evacuation plan that reverses the flow of traffic in lanes that are normally configured for travel in one direction, resulting in all traffic traveling in the same direction on all lanes of a highway.

“Long term emergency shelter” means a building or structure in which a public entity or a private, nonprofit organization provides shelter for a period of time extending longer than six months to individuals and families who have been displaced from their homes due to an emergency.

“Special needs” means a physical or mental disability or medical care need of an individual who, after exhausting all other resources still needs assistance for evacuation or sheltering before, during, or after a disaster or emergency.

“Temporary emergency shelter” means a building or structure in which a public entity or a private, nonprofit organization provides shelter to individuals and families who have been displaced from their homes due to an emergency until that emergency has ceased.

C.App.A:9-43.9 Annual public awareness program.

2. a. The director shall develop and undertake an annual public awareness program to educate the public concerning the State’s plan to evacuate New Jersey’s coastal areas in a time of emergency. The program may incorporate the use of broadcast media, print media, the Internet, or any other available resources.

b. The program shall inform the public of:

- (1) methods by which the State is to notify the public of the initiation of an emergency evacuation of a coastal area;
- (2) appropriate evacuation routes;
- (3) alternative methods of evacuation, other than that utilizing a personal motor vehicle;
- (4) information concerning the preparation and storing of personal evacuation kits;
- (5) appropriate supplies of food and potable water that individuals and families should have readily available; and
- (6) information relating to the support of, and care for animals, particularly service animals and pets subject to a coastal evacuation; and
- (7) any such other matters as the director shall deem appropriate and necessary.

c. In developing this plan, and in making any subsequent revisions, the director shall consult with the Emergency Management Offices of the affected counties and municipalities.

C.App.A:9-43.10 Appointment of commission.

3. a. The director, in consultation with the Department of Health and Senior Services, the Department of Community Affairs, and the Department of Human Services, shall appoint a commission comprised of experts from each department as well as experts from private nonprofit organizations, which shall include, but not be limited to, the American Red Cross, that shall be authorized to:

(1) identify appropriate elementary and secondary school buildings that may serve as adequate locations for temporary emergency shelter during an emergency; and

(2) identify specific locations that may serve as long term emergency shelters, during an emergency, for the benefit of individuals who have been displaced from their residence for an extended period of time as a result of that emergency or local disaster emergency.

b. Following the effective date of this act, all elementary and secondary school buildings to be newly constructed shall be evaluated during the planning or design phase and a determination shall be made considering all appropriate factors including, but not limited to, the suitability, necessity, and financial feasibility, as to whether that elementary or secondary school building may serve as a potential location for an emergency shelter during a declared state of emergency.

C.App.A:9-43.11 Duties of director.

4. The director shall:

a. ensure consistency among the evacuation plans and shelter plans of the State's coastal counties, and such other counties that the director determines may be affected by the evacuation of the coast in an emergency, and integrate those plans into a Statewide evacuation plan;

b. work in coordination with the county offices of emergency management to revise any evacuation or shelter plan that, upon review, proves to be inconsistent with the evacuation plans of other counties, or with the State Emergency Operations Plan Guidelines; and

c. consult with and seek the advice of private nonprofit organizations when implementing the provisions of this section, which shall include, but not be limited to, the American Red Cross.

C.App.A:9-43.12 Identification of critical infrastructures.

5. The director shall work in conjunction with the county emergency management coordinator in each county to locate and identify all critical infrastructures in the State that would need an alternative emergency power generator in the event of a Statewide emergency.

C.App.A:9-43.13 Central registry for residents with special needs.

6. a. Each county in the State may establish a central registry for residents with special needs who require additional assistance provided to them during an emergency. A central registry created pursuant to this section shall be maintained by each county office of emergency management, and shall be composed of information voluntarily provided by each registrant that includes, but is not limited to, the registrant's address, telephone number, and particular condition or assistance needs.

b. Each county that creates such a registry shall conduct a public awareness campaign, utilizing the Internet and any other available resources, to inform the general public of the importance of identifying and registering individuals with special needs prior to an emergency so that appropriate preparations may be made to ensure that these individuals receive necessary assistance during an evacuation. Information collected for purposes of a central registry created pursuant to this section shall be used only by the county office of emergency management that collected the information to prepare for and provide assistance to residents with special needs in an emergency, and shall not otherwise be divulged or made publicly available; provided however, that the director may, at the director's discretion, access and obtain information from a central registry maintained by a county office of emergency management if the information is used directly and exclusively by the director to prepare an Emergency Operations Plan required pursuant to section 19 of P.L.1989, c.222 (C.App.A:9-43.2).

c. A central registry maintained by a county office of emergency management and any information contained therein, or accessed and obtained by the director in accordance with subsection b. of this section, shall not be included under materials available to public inspections pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

C.App.A:9-43.14 Implementation of lane reversal strategy.

7. a. The Division of State Police shall work in conjunction with the Department of Transportation and county emergency management coordinators to implement a lane reversal strategy on the Atlantic City Expressway and the Garden State Parkway in preparation for any emergency evacuation.

b. The operator of a motor vehicle shall not tow any trailer, semi-trailer, or any other type of drawn or towed trailer, including a trailer transporting a boat, on a public highway located in an area where an emergency has been declared and any evacuation plan, including but not limited to a lane reversal strategy, is in effect. The operator of a motor vehicle who violates this prohibition may be charged with failure to obey signals, signs, or directions under emergency conditions with regard to the flow of vehicular traffic, and upon conviction thereof shall be subject to penalties for a violation of section 3 of P.L.1950, c.70 (C.39:4-215). This prohibition shall not apply to emergency vehicles.

8. Section 18 of P.L.1989, c.222 (C.App.A:9-43.1) is amended to read as follows:

C.App.A:9-43.1 State Emergency Operations Plan.

18. The State Office of Emergency Management shall adopt, no later than 12 months following the effective date of this act, a State Emergency Operations Plan, including rules, regulations, and guidelines, that shall be reviewed and updated at least every two years.

a. These plans shall include, but not be limited to, provisions which shall be developed in consultation with:

(1) the Department of Agriculture, to support the needs of animals and individuals with an animal under their care, including domestic livestock, a domesticated animal, or a service animal, in a major disaster or emergency; and

(2) the Department of Health and Senior Services, to provide for a coordinated Statewide evacuation strategy for all hospitals and other health care facilities in the State, alternative sources of care for evacuated patients, and proposed sites of temporary shelter in the event of an emergency. The Statewide evacuation strategy shall be based on evacuation plans prepared pursuant to section 19 of P.L.1989, c. 222 (C.App.A:9-43.2) and submitted to the State Office of Emergency Management by each county and municipality in the State pursuant to section 21 of P.L.1989, c.222 (C.App.A:9-43.4).

b. Each plan shall include provisions that specifically address the need for the safe and timely evacuation of the families and dependents of the emergency responders rendering major disaster or emergency services.

c. In addition, the State Office of Emergency Management shall take appropriate steps to educate the public regarding the resources available in the event of an emergency and the importance of emergency preparedness planning.

9. Section 19 of P.L.1989, c.222 (C.App.A:9-43.2) is amended to read as follows:

C.App.A:9-43.2 County, municipal written emergency operations plans; coordination.

19. Each county and municipality in the State shall prepare a written Emergency Operations Plan with all appropriate annexes necessary to implement the plan. The development of all plans shall be coordinated with the Emergency Operations Plans of the State, county and neighboring municipalities to ensure a regional coordinated response and the efficient use of resources.

a. These plans shall include, but not be limited to, provisions which shall be developed in consultation with:

(1) the Department of Agriculture, to support the needs of animals and individuals with an animal under their care, including domestic livestock, a domesticated animal, or a service animal, in a major disaster or emergency; and

(2) the Department of Health and Senior Services to evaluate the evacuation procedures of hospitals and other health care facilities located in each county and municipality, alternative sources of care for evacuated patients, and proposed sites of temporary shelter in the event of an emergency.

b. Each plan shall include provisions that specifically address the need for the safe and timely evacuation of the families and dependents of the emergency responders rendering major disaster or emergency services.

c. Each Emergency Operations Plan shall be adopted no later than one year after the State Emergency Planning Guidelines have been adopted by the State Office of Emergency Management and shall be evaluated at such subsequent scheduled review of the State Emergency Operations Plan.

10. This act shall take effect on the first day of the thirteenth month following enactment, but the Director of the State Office of Emergency Management may take such anticipatory administrative actions in advance thereof as shall be necessary for the implementation of this act.

Approved January 17, 2012.

CHAPTER 179

AN ACT authorizing marriage and entry into a civil union by proxy under certain conditions, amending R.S.26:8-41 and amending and supplementing Title 37 of the Revised Statutes.

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

1. R.S.26:8-41 is amended to read as follows:

Transmission of marriage and civil union licenses and certificates, power of attorney.

26:8-41. Transmission of marriage and civil union licenses and certificates. Every person or religious society, institution or organization solemnizing a marriage or civil union shall, within 5 days thereafter, transmit the certificate of marriage or civil union and the marriage or civil union license to the local registrar of the registration district in which the marriage or civil union occurs or to the clerk of the county board of health. In the case of marriages or civil unions performed pursuant to section 7 of P.L.2011, c.179 (C.37:1-17.3), the person or religious society, institution or organization solemnizing the marriage or civil union, in addition to transmitting the certificate of marriage or civil union and the marriage or civil union license, shall also transmit the power of attorney.

The local registrar or clerk of the county board of health shall stamp every certificate of marriage or civil union so received with the date of its receipt and the name of the registration district in which it is filed.

2. R.S.37:1-2 is amended to read as follows:

Necessity of marriage or civil union license; "licensing officer" defined.

37:1-2. Necessity of marriage or civil union license; "licensing officer" defined.

Before a marriage or a civil union can be lawfully performed in this State, the persons intending to be married or to enter into a civil union shall obtain a marriage or civil union license from the licensing officer and deliver it to the person who is to officiate.

In the case of persons intending to be married or to enter into a civil union pursuant to section 7 of P.L.2011, c.179 (C.37:1-17.3), one of the persons intending to be married or to enter into a civil union and the attorney-in-fact for the other person shall obtain a marriage or civil union license and deliver it to the person who is to officiate.

If the marriage or civil union is to be performed by or before any religious society, institution or organization, the license shall be delivered to such religious society, institution or organization, or any officer thereof.

As used in this chapter, "licensing officer" means, as to cities of the first class, the city clerk; as to other municipalities, the State registrar; or

the deputy of any said official designated by him to issue licenses during his absence.

3. R.S.37:1-7 is amended to read as follows:

Issuing of license; remarriage or reaffirming a civil union.

37:1-7. Issuing of license; remarriage or reaffirming a civil union.

The licensing officer is hereby empowered to issue marriage or civil union licenses to the contracting parties who, either personally or through an attorney-in-fact pursuant to section 7 of P.L.2011, c.179 (C.37:1-17.3), apply therefor and are entitled under the laws of this State to contract matrimony or establish a civil union, authorizing the marriage or civil union of such parties, which license shall be substantially in the following form:

"State of New Jersey. County of _____ city, town or township of _____

This is to certify that any person, religious society, institution or organization authorized by law to perform marriage or civil union ceremonies within the State of New Jersey to whom this may come, he or they not knowing any lawful impediment thereto, is hereby authorized and empowered to solemnize the rites of matrimony or the civil union between

A _____ B _____ of _____, in the county of _____ and State of _____ and C _____ D _____ of _____, in the county of _____ and State of _____, and to certify the same to be the said parties, or either of them, under his hand and seal in his ministerial or official capacity.

In testimony whereof, I have hereunto set my hand and affixed the seal of said town, township or city at _____ this _____ day of _____ two thousand and _____.

(Name and official title)"

If the contracting parties desire both a civil and a religious marriage or civil union ceremony, the licensing officer shall issue a license in duplicate, marking one as "issued for civil marriage or civil union ceremony" and one as "issued for religious marriage or civil union ceremony."

Nothing in this section shall be construed to prevent the remarriage of a couple already married to each other or to prevent a couple who has entered into a civil union to reaffirm their commitment to one another; provided, a new license is obtained and the marriage or civil union properly reported. Such license shall be plainly marked "Issued for remarriage--originally married to same mate at (state place) on (state date) or Issued for reaffirmation of a civil union--originally entered into a civil union to same mate at

(state place) on (state date)." Such a license shall be issued without compliance with the provisions of R.S.37:1-4 and if applicable of the provisions of "An act concerning marriages" approved May third, one thousand nine hundred and thirty-eight (P.L.1938, c.126).

4. R.S.37:1-8 is amended to read as follows:

Testimony under oath by applicants as to legality of proposed marriage or civil union; witnesses; perjury.

37:1-8. Testimony under oath by applicants as to legality of proposed marriage or civil union; witnesses; perjury.

A licensing officer shall, before issuing a marriage or civil union license, require the contracting parties or, in the case of persons who intend to be married or to enter into a civil union pursuant to section 7 of P.L.2011, c.179 (C.37:1-17.3), one of the contracting parties and the attorney-in-fact for the other party, to appear before him and subscribe and swear to an oath attesting the truth of the facts respecting the legality of the proposed marriage or civil union as set forth in the form supplied by the State registrar. Said testimony shall be verified by a witness of legal age. A licensing officer shall issue a license only if it is thus made to appear before him that no legal impediment to the marriage or civil union exists. Every licensing officer may administer oaths to the contracting parties or, in the case of persons who intend to be married or to enter into a civil union pursuant to section 7 of P.L.2011, c.179 (C.37:1-17.3), to one of the contracting parties and to the attorney-in-fact for the other contracting party and their identifying witness.

Any identifying witness, applicant applying for a marriage or civil union license or attorney-in-fact who shall knowingly make false answers to any of the inquiries asked by the licensing officer shall be guilty of perjury.

5. R.S.37:1-16 is amended to read as follows:

Interrogation of applicants under oath; perjury.

37:1-16. Interrogation of applicants under oath; perjury.

Any person authorized to solemnize marriages or civil unions may administer oaths to the parties applying to be married or to enter into a civil union or, in the case of persons applying to be married or to enter into a civil union pursuant to section 7 of P.L.2011, c.179 (C.37:1-17.3), to one of the contracting parties and to the attorney-in-fact for the other contracting party, and may require them, or either of them, to make true answers to any inquiries made by him in order to ascertain whether, in his judgment, any legal impediment to the proposed marriage or civil union exists.

Any person who willfully makes false answers to any such inquiries shall, if the answers are reduced to writing, signed by the person making the same and attached to the certificate of marriage or civil union, be deemed guilty of perjury pursuant to N.J.S.2C:28-1.

6. Section 2 of P.L.1980, c.128 (C.37:1-17.1) is amended to read as follows:

C.37:1-17.1 License and certificate of marriage or civil union; transmittal.

2. License and certificate of marriage or civil union; transmittal.

The license and the original certificate shall be transmitted pursuant to R.S.26:8-41. One copy of the certificate shall be retained by the local registrar and one copy shall be given to the persons contracting the marriage or civil union. In the case of persons who have married or entered into a civil union pursuant to section 7 of P.L.2011, c.179 (C.37:1-17.3), one copy of the certificate shall be retained by the local registrar and one copy shall be given to one of the contracting persons and to the attorney-in-fact for the other contracting person. The remaining copy shall be retained by the person solemnizing the marriage or civil union.

C.37:1-17.3 Entry into marriage, civil union by proxy under certain conditions.

7. A member of the Armed Forces of the United States or the National Guard who is stationed overseas and serving in a conflict or a war and is unable to appear for the licensure and solemnization of his marriage or civil union may enter into that marriage or civil union by the appearance of an attorney-in-fact, commissioned and empowered in writing for that purpose through a power of attorney. The attorney-in-fact must personally appear before the licensing officer with the person who is not serving overseas, and present the original power of attorney duly signed by the party stationed overseas and acknowledged by a notary or witnessed by two officers of the United States Armed Forces or the National Guard. The power of attorney shall state the legal names of the parties to be married or enter into a civil union, and shall state that the power of attorney is solely for the purpose of authorizing the attorney-in-fact to obtain a marriage or civil union license on the person's behalf and to participate in the solemnization of the marriage or civil union. The original power of attorney shall be a part of the marriage or civil union certificate upon registration.

8. This act shall take effect immediately.

Approved January 17, 2012.

CHAPTER 180

AN ACT concerning the reorganization meeting of county committees of political parties and amending R.S.19:5-3.

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

1. 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 on the first Saturday following 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 on the first Tuesday following 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 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 his or her office to the committee of which he or she is 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.

2. This act shall take effect immediately.

Approved January 17, 2012.

CHAPTER 181

AN ACT concerning central municipal courts and amending N.J.S.2B:12-1 and P.L.1981, c.178.

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

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

Establishment of municipal courts.

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

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

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

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

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

e. Any county of the first class with a population of over 825,000 and a population density of less than 4,000 persons per square mile according to the latest federal decennial census, with a county police department and force established in accordance with N.J.S.40A:14-106 or a county park

police system established in accordance with P.L.1960, c.135 (C.40:37-261 et seq.), may establish, by ordinance, a central municipal court, which shall be an inferior court of limited jurisdiction, to adjudicate cases filed by agents of the county health department, agents of the county office of consumer affairs, members of the county police department and force or county park police system, or other cases within its jurisdiction referred by the vicinage Assignment Judge pursuant to the Rules of Court, and provide for its administration. A copy of that ordinance shall be filed with the Administrative Director of the Courts. As used in this act, "municipal court" includes a central municipal court.

2. Section 1 of P.L.1981, c.178 (C.56:8-14.1) is amended to read as follows:

C.56:8-14.1 Office of consumer affairs entitled to penalties, fines or fees.

1. In any action in a court of appropriate jurisdiction initiated by the director of any certified county or municipal office of consumer affairs, the office of consumer affairs shall be entitled, if successful in the action, to such penalties, fines or fees as may be authorized pursuant to chapter 8 of Title 56 of the Revised Statutes and awarded by the court, and to the reasonable costs of any such action, including investigative and legal costs, as may be filed with and approved by the court. Such costs shall be in addition to the taxed costs authorized in successful proceedings under the Rules Governing the Courts of the State of New Jersey.

As used in this section, "court of appropriate jurisdiction" includes a municipal court in the municipality where the offense was committed or where the defendant may be found and a central municipal court in the county where the offense was committed or where the defendant may be found. However, the term shall not include a municipal court in a city of the first class if the Chief Justice of the Supreme Court approves a recommendation submitted by the assignment judge of the vicinage in which the court is located to exempt that court from such jurisdiction.

All moneys collected pursuant to this section shall be paid to the officer lawfully charged with the custody of the general funds of the county or municipality.

3. This act shall take effect on the 60th day after enactment.

Approved January 17, 2012.

CHAPTER 182

AN ACT concerning informed consent for medical research and amending P.L.1977, c. 82.

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

1. Section 5 of P.L.1977, c. 82 (C.30:6D-5) is amended to read as follows:

C.30:6D-5 Rights of person receiving services for developmentally disabled at facility.

5. a. No person receiving services for the developmentally disabled at any facility shall:

- (1) be subjected to any corporal punishment;
- (2) be administered any medication or chemical restraint, except upon the written authorization of a physician when necessary and appropriate as an element of the service being received or as a treatment of any medical or physical condition in conformity with accepted standards for such treatment. The nature, amount of, and reasons for the administration of any medication or chemical restraint shall be promptly recorded in such person's medical record;
- (3) be physically or chemically restrained or isolated in any manner, except in emergency situations for the control of violent, disturbed or depressed behavior which may immediately result in or has resulted in harm to such person or other person or in substantial property damage.

The chief administrator of the facility, or his designee, shall be notified immediately upon the application of any such restraint or isolation, and thereafter such restraint or isolation shall be continued only upon the written order of the administrator or designee. Such order shall be effective for not more than 24 hours, and may be renewed for additional periods of not more than 24 hours each if the administrator or designee shall determine that such continued restraint or isolation is necessary. While in restraint or isolation, such person shall be checked by an attendant every 15 minutes, and bathed every 24 hours. Such restraint or isolation shall be terminated at any time if an attending physician shall find such restraint or isolation to be medically contraindicated. The nature, duration of, reasons for and notation of attendant checks shall be promptly recorded in such person's medical record;

- (4) be subjected to shock treatment, psychosurgery, sterilization or medical behavioral or pharmacological research without the express and

informed consent of such person, if a competent adult, or of such person's guardian ad litem specifically appointed by a court for the matter of consent to these proceedings, if a minor or an incompetent adult or a person administratively determined to be mentally deficient. Such consent shall be made in writing and shall be placed in such person's record.

Either the party alleging the necessity of such procedure or such person or such person's guardian ad litem may petition a court of competent jurisdiction to hold a hearing to determine the necessity of such procedure at which the client is physically present, represented by counsel, and provided the right and opportunity to be confronted with and to cross-examine all witnesses alleging the necessity of such procedure. In such proceedings, the burden of proof shall be on the party alleging the necessity of such procedure. In the event that a person cannot afford counsel, the court shall appoint an attorney not less than 10 days before the hearing. An attorney so appointed shall be entitled to a reasonable fee to be determined by the court and paid by the county from which the person was admitted. Under no circumstances may a person in treatment be subjected to hazardous or intrusive experimental research which is not directly related to the specific goals of his treatment program;

(5) Notwithstanding the provisions of paragraph (4) of this subsection to the contrary, nothing in this section shall prohibit consent obtained or research conducted pursuant to the provisions of P.L.2007, c.316 (C.26:14-1 et seq.) as provided in this paragraph (5).

(a) In addition to meeting the requirements of sections 4 and 5 of P.L.2007, c.316 (C.26:14-4 and 26:14-5), medical research involving persons who are protected by the provisions of this subsection shall also meet the approval of the Interdisciplinary Research Committee established herein.

(b) The members of the Interdisciplinary Research Committee shall be appointed by the Assistant Commissioner of the Division of Developmental Disabilities in the Department of Human Services, and shall serve at the pleasure of the Assistant Commissioner. The members shall have diverse backgrounds, represent a variety of professions, and include at least one self-advocate and one family member, neither of whom shall be an employee of the department.

(c) The committee shall independently determine whether the criteria set forth in section 3 of P.L.2007, c.316 (C.26:14-3), and where required, the informed consent provisions of section 4 of P.L.2007, c.316 (C.26:14-4), have been met. In addition, the committee may impose such other conditions on approval as it determines are necessary to protect the health, safety, and autonomy of the individuals participating in the medical research.

(d) Notices of proposals for medical research received by the committee, and the committee's action on the proposals, shall be posted on the department's website and forwarded to the New Jersey Council on Developmental Disabilities, The Elizabeth M. Boggs Center on Developmental Disabilities, and Disability Rights of New Jersey.

(e) Two years after enactment of P.L.2011, c.182 and every two years thereafter, the division shall provide to the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), and post on the division's Internet website, a summary of the research proposals reviewed by the committee and the actions taken.

b. Every developmentally disabled person in residence at any facility shall be provided with a nutritionally adequate and sufficient diet and shall receive appropriate and sufficient medical and dental care on a regular basis and whenever otherwise necessary.

c. Every developmentally disabled person between the ages of 5 and 21, inclusive, in residence or full-time attendance at any facility shall be provided a thorough and efficient education suited to such person's age and abilities.

2. This act shall take effect immediately.

Approved January 17, 2012.

CHAPTER 183

AN ACT concerning the sale and possession of hypodermic syringes and needles, and supplementing Title 2C of the New Jersey Statutes and Title 45 of the Revised Statutes.

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

C.2C:36-6.2 Sale by licensed pharmacy of hypodermic syringe or needle under certain circumstances.

1. a. Notwithstanding any State law, rule or regulation to the contrary, a licensed pharmacy may sell a hypodermic syringe or needle, or any other instrument adapted for the administration of drugs by injection, to a person over 18 years of age who presents valid photo identification to demonstrate proof of age or who otherwise satisfies the seller that he is over 18 years of age, as follows:

(1) without a prescription if sold in quantities of 10 or fewer; and
(2) pursuant to a prescription issued by a person authorized to prescribe under State law if sold in quantities of more than 10.

b. A licensed pharmacy that provides hypodermic syringes or needles for sale shall also be required to:

(1) maintain its supply of such instruments under or behind the pharmacy sales counter such that they are accessible only to a person standing behind a pharmacy sales counter; and

(2) make available to each person who purchases any such instrument, at the time of purchase, information to be developed by the Department of Health and Senior Services to the purchaser, about:

(a) the safe disposal of the instrument, including local disposal locations or a telephone number to call for that information; and

(b) substance abuse treatment, including a telephone number to call for assistance in obtaining treatment.

c. In addition to any other provision of law that may apply, a person who purchases a hypodermic syringe or needle pursuant to subsection a. of this section and sells that needle or syringe to another person is guilty of a disorderly persons offense.

d. The Department Health and Senior Services, in consultation with the Department of Human Services and the New Jersey State Board of Pharmacy, may, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations to effectuate the purposes of subsection b. of this section. The Department of Health and Senior Services shall make the information that is to be developed pursuant to subsection b. of this section available to pharmacies and purchasers of hypodermic syringes or needles through its Internet website.

C.2C:36-6.3 Affirmative defense to criminal action, construction of act.

2. It is an affirmative defense to any criminal action arising under chapter 36 of Title 2C of the New Jersey Statutes for possession of a hypodermic syringe or needle that the item was obtained pursuant to the authority of section 1 of P.L.2011, c.183 (C.2C:36-6.2). The affirmative defense established herein shall be proved by the defendant by a preponderance of the evidence. It shall not be necessary for the State to negate any such fact in any criminal complaint, information, indictment, or other pleading or in any trial, hearing, or other proceeding. Nothing in this act shall be construed to limit or constrain in any way a prosecution for the possession, manufacture, or distribution of a controlled dangerous substance or for any other conduct proscribed by chapter 35 or chapter 36 of Title 2C of the New Jersey Statutes.

3. This act shall take effect on the 180th day after enactment, except that the Department of Health and Senior Services, in consultation with the Department of Human Services and the New Jersey State Board of Pharmacy, may take such anticipatory administrative action in advance as shall be necessary for the implementation of the act.

Approved January 17, 2012.

CHAPTER 184

AN ACT concerning reports and publications produced by the State and its agencies, amending various parts of the statutory law, supplementing chapter 14 of Title 52 of the Revised Statutes, and repealing R.S.52:14-21, R.S.52:14-22, R.S.52:14-25 and R.S.52:14-25.2.

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

C.52:14-20.1 Reports, publications made available, notice.

1. All reports and publications produced by the State, or any agency of the State, that are to be submitted to the Governor or the Legislature, or made available to the public, shall be posted on the Internet in lieu of printing. A notice of availability of the report or publication shall be distributed to the Governor or the Legislature, as the case may be. In the case of a report or publication to be made available to the public, an electronic copy and a print copy shall be submitted to the State Librarian. If such reports or publications are printed, six copies shall be submitted to the State Librarian in addition to the one electronic copy.

Upon receiving notice of availability of a report or publication, an individual who is unable to access the document on the Internet may request a printed copy.

The provisions of this section shall not apply to publications produced pursuant to section 7 of P.L.1968, c.410 (C.52:14B-7).

2. R.S.52:14-18 is amended to read as follows:

Annual reports of State departments, boards and officers; time for making; penalty.

52:14-18. Except as otherwise expressly provided by law, all boards, commissions, institutions, departments, state officers and other persons required by law to present an annual report to the Governor or to the Legisla-

ture, shall make report as of the thirtieth day of June annually, and shall complete the report and provide notice that it is available to the governor on or before the thirtieth day of November.

Any officer, commissioner or other person who shall fail to deliver his report on or before the thirtieth day of November shall, as a penalty, forfeit one-half his salary or compensation from the thirtieth day of November until the time when such report shall be so presented, and such forfeited compensation shall be withheld by the comptroller and treasurer.

3. R.S.52:14-19 is amended to read as follows:

Reports other than annual reports; time for making.

52:14-19. Reports other than annual reports; time for making. All boards, commissions and officers of the State required by law, joint resolution, or otherwise to report to the Governor or Legislature upon any matter whatever, shall, unless otherwise specially directed, complete the report at least 10 days previous to the first day of January next following the date of their appointment, and notice of the availability of the report shall be delivered to the Legislature on the first day of the session.

This section shall not apply to the annual reports of State boards, commissions, institutions, departments or officers.

4. Section 2 of P.L.1991, c.164 (C.52:14-19.1) is amended to read as follows:

C.52:14-19.1 Submission of reports to the Legislature.

2. Notwithstanding any other law to the contrary, all boards, commissions, institutions, departments, agencies, State officers and employees and other persons required by law to make available, submit, forward, or otherwise transmit to the Legislature or to the members of the Legislature a report, study, survey, publication or other document shall, in lieu of distributing a copy thereof to each member, meet this requirement of law by: a. preparing the document for examination and approval in the manner provided by law; and, b. submitting notice of availability of the approved document to the President of the Senate, Speaker of the General Assembly and the Director of Public Information in the Office of Legislative Services. The Director of Public Information shall submit to the Secretary of the Senate, the Clerk of the General Assembly and the members of the Legislature a notice containing the title of the document and the name of the agency issuing the document, that notice to be distributed to the members in the same manner as provided for the distribution of transcripts of public hearings. A

copy of any such document shall be made available to any member of the Legislature upon request, or pursuant to such procedures as may be provided by the respective Houses of the Legislature.

This section shall not apply to any reporting requirements or procedures specified in the State Constitution, nor to any information required by law to be submitted to the Legislative Counsel, State Auditor, Legislative Budget and Finance Officer, the Joint Budget Oversight Committee, or the Joint Legislative Committee on Ethical Standards.

5. R.S.52:14-24 is amended to read as follows:

Distribution of official reports.

52:14-24. The custodian of the State House shall, under the direction and control of the State House Commission, cause to be made available on the Internet the various official reports and legislative documents as the State House Commission shall direct. If such reports and documents are printed, six copies shall be submitted to the State Librarian in addition to an electronic copy for the Internet.

6. R.S.52:14-25.1 is amended to read as follows:

Annual or special reports, publications; copies filed in State Library.

52:14-25.1. All State officers, departments, commissions, committees, or agencies issuing annual reports or special reports required by law to be submitted to the Governor or to the Legislature of this State, and other State publications of a general informational character, where such reports are printed and electronically produced, shall file with the New Jersey State Library for purposes of permanent public access and distribution one electronic copy and six printed copies. In cases where such reports are made in electronic form only, one electronic copy and one printed copy shall be submitted to the State Library for preservation and permanent reference use. State officers, departments, commissions, committees and agencies shall designate an individual to act as a liaison to the State Library.

Repealer.

7. R.S.52:14-21, R.S.52:14-22, R.S.52:14-25 and R.S.52:14-25.2 are repealed.

8. This act shall take effect immediately.

Approved January 17, 2012.

CHAPTER 185

AN ACT establishing a task force to study the treatment of veterans diagnosed with post traumatic stress disorder in judicial proceedings.

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

1. There is established a task force to study how veterans diagnosed with post traumatic stress disorder (PTSD) are treated in judicial proceedings. The task force shall consist of 11 members: the Senate President shall appoint one member from the same party as the Senate President who serves on the Senate Military and Veterans' Affairs Committee; the Senate Minority Leader shall appoint one member from the same party as the Senate Minority Leader who serves on the Senate Judiciary Committee; the Speaker of the General Assembly shall appoint one member from the same party as the Speaker of the General Assembly who serves on the Assembly Military and Veterans' Affairs Committee; the Assembly Minority Leader shall appoint one member from the same party as the Assembly Minority Leader who serves on either the Assembly Military and Veterans' Affairs Committee or the Assembly Judiciary Committee; the Adjutant General, or a designee, from the New Jersey Department of Military and Veterans' Affairs; the Attorney General, or a designee, from the Office of the Attorney General; the director of the Division of Mental Health Services, or a designee, from the Department of Human Services; the Administrative Director of New Jersey Courts, or a designee from the Administrative Office of the Courts; and the Governor shall appoint three members of the public, one of whom has knowledge or experience of the New Jersey judicial system, one of whom who has knowledge or experience with PTSD or mental health, and one Statewide officer of a veterans' organization as defined in subsection b. of section 1 of P.L.2007, c.275 (C.13:1L-12.1).

2. All appointments to the task force shall be made within 30 days after the effective date of this act. Vacancies in the membership of the task force shall be filled in the same manner as the original appointments were made. The 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 limit of funds made available to the commission.

3. The task force shall organize as soon as may be practicable after the appointment of its members and shall choose a chairperson from among its members. The task force shall appoint a secretary who need not be a member of the task force.

4. The task force shall meet at the call of the chairperson. The task force shall hold at least three public hearings in different parts of the State and elicit testimony from the public at such times and places as the chair shall designate. A meeting of the task force shall be called at the request of six of the task force's members and six members of the task force shall constitute a quorum at any meeting thereof.

5. The Department of Military and Veterans' Affairs shall provide such clerical and other administrative assistants, and such professional staff, as the task force requires to carry out its work.

6. It shall be the duty of the task force to identify and review the issues and concerns facing veterans of the United States Armed Forces and the New Jersey National Guard who have been diagnosed with PTSD and how that diagnosis has impacted their treatment in judicial proceedings. The task force shall:

- a. examine current data, research, programs, and initiatives related to the impact of PTSD upon veterans and how it has affected their treatment in judicial proceedings;
- b. identify effective strategies for the court system to adopt to effectively interact with veterans diagnosed with PTSD; and
- c. develop recommendations to implement those strategies, including legislation or court rules, if appropriate, based on their findings.

7. The task force shall issue a final report to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), containing its findings and recommendations, including any recommendations for legislation or court rules that it deems appropriate, no later than nine months after the task force organizes.

8. This act shall take effect immediately and the task force shall expire 30 days after issuance of its final report.

Approved January 17, 2012.

CHAPTER 186

AN ACT concerning the promotion of gender equity in the workplace and amending P.L.1999, c.223.

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

1. Section 2 of P.L.1999, c.223 (C.34:15C-22) is amended to read as follows:

C.34:15C-22 Duties of council.

2. The Council shall:
 - a. Assess the effectiveness of State programs designed to provide gender equity in labor, education and training;
 - b. Make recommendations to the Commissioners of the Departments of Community Affairs, Education, Human Services and Labor and Workforce Development, and the Secretary of Higher Education regarding the needs, priorities, programs and policies related to access and equity for labor, education and workforce training throughout the State;
 - c. Review current and proposed legislation and regulations pertaining to gender equity in labor, education and workforce training and make recommendations regarding possible legislation and regulations to the State Employment and Training Commission and the Division on Women;
 - d. Develop policies to insure that State agencies set benchmarks and integrate their data collection systems to assess progress toward achieving gender equity and take action to insure that appropriate data collection systems exist where needed;
 - e. Develop policies to promote linkages among individuals, schools, organizations and public agencies providing gender equity services and programs;
 - f. Educate and provide information to the public on the issues and current developments in gender equity by issuing reports and holding events such as conferences and symposia;
 - g. Submit an annual report to the Governor, the Legislature, the State Employment and Training Commission and the Division on Women of its assessments and recommendations made pursuant to this section;
 - h. Conduct studies and promote research, as practicable, to develop the means to correct gender inequitable practices, including practices leading to pay disparities between men and women and publish and otherwise

make available to employers, labor organizations, professional associations, educational institutions, the media and the general public the findings resulting from these studies and other materials;

i. Develop and make available information, as practicable, regarding best practices for workplace gender equity to enable employers to evaluate job categories based on objective criteria, such as educational requirements, skill requirements, independence, working conditions and responsibility; and

j. Establish a Statewide recognition of exceptional practices, as practicable, to promote gender equity in the workplace to be presented to a workplace, as shall be defined by the Council, that, at a minimum, has demonstrated it has made a substantial effort to eliminate pay disparities between men and women, and thus deserves special recognition, in addition to any other requirements and specifications the Council deems appropriate in the determination of the workplace to be recognized.

2. This act shall take effect on the first day of the fourth month next following the date of enactment, but the Executive Director of the State Employment and Training Commission may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved January 17, 2012.

CHAPTER 187

AN ACT concerning the financing of renewable energy and energy efficiency systems, amending P.L.1960, c.183, and supplementing R.S.40:56-1 et seq..

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

C.40:56-1.4 Clean energy special assessment, financing by municipality.

1. Upon application to and approval by the Director of Local Government Services in the Department of Community Affairs, the governing body of a municipality may undertake the financing of the purchase and installation of renewable energy systems and energy efficiency improvements by property owners as a local improvement and may provide by ordinance for a "clean energy special assessment" to be imposed on a property within the municipality, if the owner of the property requests the as-

assessment in order to install such systems or improvements. Each improvement on an individual property shall constitute a separate local improvement and shall be assessed separately to the property owner benefitted thereby. The clean energy special assessment shall be payable in quarterly installments. The terms of the clean energy special assessment shall be in accordance with the terms of the financing provided by the municipality pursuant to section 2 of P.L.2011, c.187 (C.40:56-13.1).

C.40:56-13.1 Clean energy special assessment, financing through bonds.

2. a. Upon application to and approval by the Director of Local Government Services in the Department of Community Affairs, a municipality may adopt an ordinance to establish a program to finance the purchase and installation of renewable energy systems and energy efficiency improvements by property owners. The governing body may apply to a county improvement authority that issues bonds pursuant to paragraph (2) of subsection (j) of section 12 of P.L.1960, c.183 (C.40:37A-55), or may issue bonds to finance the program pursuant to section 3 of P.L.2011, c.187 (C.40:56-13.2). Funds for the purchase and installation of renewable energy systems and energy efficiency improvements shall be loaned to property owners in exchange for a clean energy special assessment on the property pursuant to section 1 of P.L.2011, c.187 (C.40:56-1.4), to be paid quarterly. In the case of financing provided by bonds issued by a county improvement authority, the clean energy special assessment shall be used to repay the bonds. In the case of financing provided by the municipality through the issuance of municipal bonds, the clean energy special assessment shall be used to repay the bonds. A property owner who purchases and installs a renewable energy system under the program may also assign any solar renewable energy certificates or other renewable energy credits that accrue to the property owner from the operation of the system to the municipality or the county improvement authority to repay the loan for the system. The Director of Local Government Services in the Department of Community Affairs shall coordinate efforts with the Board of Public Utilities to ensure that the amount of financing made available by local programs authorized pursuant to this act is in accordance with limits set from time to time by the Board of Public Utilities in order to ensure that local programs further the goals of the Office of Clean Energy in the Board of Public Utilities.

b. As used in this section, "solar renewable energy certificate" shall have the same meaning as set forth in section 3 of P.L.1999, c.23 (C.48:3-51).

C.40:56-13.2 Amounts of money to be expended for improvements established.

3. a. Upon application to and approval by the Director of Local Government Services in the Department of Community Affairs, the governing body of a municipality may establish the amounts of money to be expended by the municipality for the improvements authorized in sections 1 and 2 of P.L.2011, c.187 (C.40:56-1.4 and C.40:56-13.1). Any amount so appropriated may be raised by the issuance of clean energy special assessment bonds by the municipality. In making the appropriation, the governing body may designate the particular projects to be financed to which the moneys shall be applied.

b. Clean energy special assessments and bonds issued to finance them shall be issued and shall be generally subject to R.S.40:56-21 et seq., as the director shall determine to be applicable.

c. The director is authorized and empowered to take such action as deemed necessary and consistent with the intent of this act to implement its provisions.

4. Section 12 of P.L.1960, c.183 (C.40:37A-55) is amended to read as follows:

C.40:37A-55 Body politic and corporate; powers and duties.

12. Every authority shall be a public body politic and corporate constituting a political subdivision of the State established as an instrumentality exercising public and essential governmental functions to provide for the public convenience, benefit and welfare and shall have perpetual succession and, for the effectuation of its purposes, have the following additional powers:

- (a) To adopt and have a common seal and to alter the same at pleasure;
- (b) To sue and be sued;
- (c) To acquire, hold, use and dispose of its facility charges and other revenues and other moneys;
- (d) To acquire, rent, hold, use and dispose of other personal property for the purposes of the authority;
- (e) Subject to the provisions of section 26 of this act, to acquire by purchase, gift, condemnation or otherwise, or lease as lessee, real property and easements or interests therein necessary or useful and convenient for the purposes of the authority, whether subject to mortgages, deeds of trust or other liens or otherwise, and to hold and to use the same, and to dispose of property so acquired no longer necessary for the purposes of the authority; provided that the authority may dispose of such property at any time to any governmental unit or person if the authority shall receive a leasehold

interest in the property for such term as the authority deems appropriate to fulfill its purposes;

(f) Subject to the provisions of section 13 of this act, to lease to any governmental unit or person, all or any part of any public facility for such consideration and for such period or periods of time and upon such other terms and conditions as it may fix and agree upon;

(g) To enter into agreements to lease, as lessee, public facilities for such term and under such conditions as the authority may deem necessary and desirable to fulfill its purposes, and to agree, pursuant thereto, to be unconditionally obligated to make payments for the term of the lease, without set-off or counterclaim, whether or not the public facility is completed, operating or operable, and notwithstanding the destruction of, damage to, or suspension, interruption, interference, reduction or curtailment of the availability or output of the public facility to which the agreement applies;

(h) To extend credit or make loans to any governmental unit or person for the planning, design, acquisition, construction, equipping and furnishing of a public facility, upon the terms and conditions that the loans be secured by loan and security agreements, mortgages, leases and other instruments, the payments on which shall be sufficient to pay the principal of and interest on any bonds issued for the purpose by the authority, and upon such other terms and conditions as the authority shall deem reasonable;

(i) Subject to the provisions of section 13 of this act, to make agreements of any kind with any governmental unit or person for the use or operation of all or any part of any public facility for such consideration and for such period or periods of time and upon such other terms and conditions as it may fix and agree upon;

(j) (1) To borrow money and issue negotiable bonds or notes or other obligations and provide for and secure the payment of any bonds and the rights of the holders thereof, and to purchase, hold and dispose of any bonds;

(2) To issue bonds, notes or other obligations to provide funding to a municipality that finances the purchase and installation of renewable energy systems and energy efficiency improvements by property owners as provided in section 2 of P.L.2011, c.187 (C.40:56-13.1);

(k) To apply for and to accept gifts or grants of real or personal property, money, material, labor or supplies for the purposes of the authority from any governmental unit or person, and to make and perform agreements and contracts and to do any and all things necessary or useful and convenient in connection with the procuring, acceptance or disposition of such gifts or grants;

(l) To determine the location, type and character of any public facility and all other matters in connection with all or any part of any public facility which it is authorized to own, construct, establish, effectuate or control;

(m) To make and enforce bylaws or rules and regulations for the management and regulation of its business and affairs and for the use, maintenance and operation of any public facility, and to amend the same;

(n) To do and perform any acts and things authorized by this act under, through or by means of its own officers, agents and employees, or by contract with any governmental unit or person;

(o) To acquire, purchase, construct, lease, operate, maintain and undertake any project and to fix and collect facility charges for the use thereof;

(p) To mortgage, pledge or assign or otherwise encumber all or any portion of its revenues and other income, real and personal property, projects and facilities for the purpose of securing its bonds, notes and other obligations or otherwise in furtherance of the purpose of this act;

(q) To extend credit or make loans to redevelopers for the planning, designing, acquiring, constructing, reconstructing, improving, equipping and furnishing any redevelopment project or redevelopment work;

(r) To conduct examinations and investigations, hear testimony and take proof, under oath at public or private hearings of any material matter, require the attendance of witnesses and the production of books and papers and issue commissions for the examination of witnesses who are out of the State, unable to attend, or excused from attendance;

(s) To authorize a committee designated by it consisting of one or more members, or counsel, or any officer or employee to conduct any such investigation or examination, in which case such committee, counsel, officer or employee shall have power to administer oaths, take affidavits and issue subpoenas or commissions;

(t) To enter into any and all agreements or contracts, execute any and all instruments, and do and perform any and all acts or things necessary, convenient or desirable for the purposes of the authority or to carry out any power expressly given in this act subject to the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.); and

(u) To pool loans for any local governmental units within the county or any beneficiary county that are refunding bonds and do and perform any and all acts or things necessary, convenient or desirable for the purpose of the authority to achieve more favorable interest rates and terms for those local governmental units.

5. This act shall take effect on the 120th day after the date of enactment, but the Director of the Division of Local Government Services in the Department of Community Affairs may take such anticipatory action in advance thereof as shall be necessary for the implementation of this act.

Approved January 17, 2012.

CHAPTER 188

AN ACT concerning health benefits coverage for oral anticancer medications and supplementing various parts of statutory law.

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

C.17:48-6jj Hospital service corporation to provide coverage for oral anticancer medications.

1. a. A hospital service corporation contract that provides hospital and medical expense benefits and is delivered, issued, executed, or renewed in this State pursuant to P.L.1938, c.366 (C.17:48-1 et seq.), or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, shall provide coverage for expenses for prescribed, orally administered anticancer medications used to kill or slow the growth of cancerous cells on a basis no less favorable than the contract provides for intravenously administered or injected anticancer medications.

b. Pursuant to subsection a. of this section, coverage for expenses for prescribed, orally administered anticancer medications used to kill or slow the growth of cancerous cells shall not be subject to any prior authorization, dollar limit, copayment, deductible or coinsurance provision that does not apply to intravenously administered or injected anticancer medications.

c. A hospital service corporation contract shall not achieve compliance with the provisions of this section by imposing an increase in patient cost sharing, including any copayment, deductible or coinsurance, for anticancer medications, whether intravenously administered or injected or orally administered, that are covered under the contract as of the effective date of this act.

d. 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-7gg Medical service corporation to provide coverage for oral anticancer medications.

2. a. A medical service corporation contract that provides hospital and medical expense benefits and is delivered, issued, executed, or renewed in this State pursuant to P.L.1940, c.74 (C.17:48A-1 et seq.), or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, shall provide coverage for expenses for prescribed, orally administered anticancer medications used to kill or slow the growth of cancerous cells on a basis no less favorable than the contract provides for intravenously administered or injected anticancer medications.

b. Pursuant to subsection a. of this section, coverage for expenses for prescribed, orally administered anticancer medications used to kill or slow the growth of cancerous cells shall not be subject to any prior authorization, dollar limit, copayment, deductible or coinsurance provision that does not apply to intravenously administered or injected anticancer medications.

c. A medical service corporation contract shall not achieve compliance with the provisions of this section by imposing an increase in patient cost sharing, including any copayment, deductible or coinsurance, for anticancer medications, whether intravenously administered or injected or orally administered, that are covered under the contract as of the effective date of this act.

d. 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-35.34 Health service corporation to provide coverage for oral anticancer medications.

3. a. A health service corporation contract that provides hospital and medical expense benefits and is delivered, issued, executed, or renewed in this State pursuant to P.L.1985, c.236 (C.17:48E-1 et seq.), or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, shall provide coverage for expenses for prescribed, orally administered anticancer medications used to kill or slow the growth of cancerous cells on a basis no less favorable than the contract provides for intravenously administered or injected anticancer medications.

b. Pursuant to subsection a. of this section, coverage for expenses for prescribed, orally administered anticancer medications used to kill or slow the growth of cancerous cells shall not be subject to any prior authorization, dollar limit, copayment, deductible or coinsurance provision that does not apply to intravenously administered or injected anticancer medications.

c. A health service corporation contract shall not achieve compliance with the provisions of this section by imposing an increase in patient cost sharing, including any copayment, deductible or coinsurance, for anticancer medications, whether intravenously administered or injected or orally administered, that are covered under the contract as of the effective date of this act.

d. 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:26-2.1dd Individual health insurance policy to provide coverage for oral anticancer medications.

4. a. An individual health insurance policy that provides hospital and medical expense benefits and is delivered, issued, executed, or renewed in this State pursuant to N.J.S.17B:26-1 et seq., or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, shall provide coverage for expenses for prescribed, orally administered anticancer medications used to kill or slow the growth of cancerous cells on a basis no less favorable than the policy provides for intravenously administered or injected anticancer medications.

b. Pursuant to subsection a. of this section, coverage for expenses for prescribed, orally administered anticancer medications used to kill or slow the growth of cancerous cells shall not be subject to any prior authorization, dollar limit, copayment, deductible or coinsurance provision that does not apply to intravenously administered or injected anticancer medications.

c. An individual health insurance policy shall not achieve compliance with the provisions of this section by imposing an increase in patient cost sharing, including any copayment, deductible or coinsurance, for anticancer medications, whether intravenously administered or injected or orally administered, that are covered under the policy as of the effective date of this act.

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

C.17B:27-46.1jj Group health insurance policy to provide coverage for oral anticancer medications.

5. a. A group health insurance policy that provides hospital and medical expense benefits and is delivered, issued, executed, or renewed in this State pursuant to N.J.S.17B:27-26 et seq., or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, shall provide coverage for expenses for prescribed, orally administered anticancer medications used to kill or slow the

growth of cancerous cells on a basis no less favorable than the policy provides for intravenously administered or injected anticancer medications.

b. Pursuant to subsection a. of this section, coverage for expenses for prescribed, orally administered anticancer medications used to kill or slow the growth of cancerous cells shall not be subject to any prior authorization, dollar limit, copayment, deductible or coinsurance provision that does not apply to intravenously administered or injected anticancer medications.

c. A group health insurance policy shall not achieve compliance with the provisions of this section by imposing an increase in patient cost sharing, including any copayment, deductible or coinsurance, for anticancer medications, whether intravenously administered or injected or orally administered, that are covered under the policy as of the effective date of this act.

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

C.17B:27A-7.17 Individual health benefits plan to provide coverage for oral anticancer medication.

6. a. An individual health benefits plan that 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 for prescribed, orally administered anticancer medications used to kill or slow the growth of cancerous cells on a basis no less favorable than the plan provides for intravenously administered or injected anticancer medications.

b. Pursuant to subsection a. of this section, coverage for expenses for prescribed, orally administered anticancer medications used to kill or slow the growth of cancerous cells shall not be subject to any prior authorization, dollar limit, copayment, deductible or coinsurance provision that does not apply to intravenously administered or injected anticancer medications.

c. An individual health benefits plan shall not achieve compliance with the provisions of this section by imposing an increase in patient cost sharing, including any copayment, deductible or coinsurance, for anticancer medications, whether intravenously administered or injected or orally administered, that are covered under the plan as of the effective date of this act.

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

C.17B:27A-19.21 Small employer health benefits plan to provide coverage for oral anticancer medications.

7. a. A small employer health benefits plan that 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 for prescribed, orally administered anticancer medications used to kill or slow the growth of cancerous cells on a basis no less favorable than the plan provides for intravenously administered or injected anticancer medications.

b. Pursuant to subsection a. of this section, coverage for expenses for prescribed, orally administered anticancer medications used to kill or slow the growth of cancerous cells shall not be subject to any prior authorization, dollar limit, copayment, deductible or coinsurance provision that does not apply to intravenously administered or injected anticancer medications.

c. A small employer health benefits plan shall not achieve compliance with the provisions of this section by imposing an increase in patient cost sharing, including any copayment, deductible or coinsurance, for anticancer medications, whether intravenously administered or injected or orally administered, that are covered under the plan as of the effective date of this act.

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

C.26:2J-4.35 HMO to provide coverage for oral anticancer medications.

8. a. A health maintenance organization contract for health care services that is delivered, issued, executed, or renewed in this State pursuant to P.L.1973, c.337 (C.26:2J-1 et seq.), or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, shall provide health care services for prescribed, orally administered anticancer medications used to kill or slow the growth of cancerous cells on a basis no less favorable than the contract provides for covered intravenously administered or injected anticancer medications.

b. Pursuant to subsection a. of this section, coverage for expenses for prescribed, orally administered anticancer medications used to kill or slow the growth of cancerous cells shall not be subject to any prior authorization, dollar limit, copayment, deductible or coinsurance provision that does not apply to intravenously administered or injected anticancer medications.

c. A health maintenance organization contract shall not achieve compliance with the provisions of this section by imposing an increase in patient cost sharing, including any copayment, deductible or coinsurance, for anticancer medications, whether intravenously administered or injected or orally administered, that are covered under the contract as of the effective date of this act.

d. 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.52:14-17.29r SHBC to provide coverage for oral anticancer medications.

9. a. The State Health Benefits Commission shall ensure that every contract purchased on or after the effective date of this act that provides hospital or medical expense benefits shall provide coverage for expenses for prescribed, orally administered anticancer medications used to kill or slow the growth of cancerous cells on a basis no less favorable than the contract provides for intravenously administered or injected anticancer medications.

b. Pursuant to subsection a. of this section, coverage for expenses for prescribed, orally administered anticancer medications used to kill or slow the growth of cancerous cells shall not be subject to any prior authorization, dollar limit, copayment, deductible or coinsurance provision that does not apply to intravenously administered or injected anticancer medications.

c. A State Health Benefits Commission contract shall not achieve compliance with the provisions of this section by imposing an increase in patient cost sharing, including any copayment, deductible or coinsurance, for anticancer medications, whether intravenously administered or injected or orally administered, that are covered under the contract as of the effective date of this act.

C.52:14-17.46.6c School Employees' Health Benefits Commission to provide coverage for oral anticancer medications.

10. a. The School Employees' Health Benefits Commission shall ensure that every contract purchased on or after the effective date of this act that provides hospital or medical expense benefits shall provide coverage for expenses for prescribed, orally administered anticancer medications used to kill or slow the growth of cancerous cells on a basis no less favorable than the contract provides for intravenously administered or injected anticancer medications.

b. Pursuant to subsection a. of this section, coverage for expenses for prescribed, orally administered anticancer medications used to kill or slow the growth of cancerous cells shall not be subject to any prior authorization, dollar limit, copayment, deductible or coinsurance provision that does not apply to intravenously administered or injected anticancer medications.

c. A School Employees' Health Benefits Commission contract shall not achieve compliance with the provisions of this section by imposing an increase in patient cost sharing, including any copayment, deductible or coinsurance, for anticancer medications, whether intravenously administered or injected or orally administered, that are covered under the contract as of the effective date of this act.

11. This act shall take effect on the 180th day after enactment and shall apply to all contracts and policies issued on or after the effective date.

Approved January 17, 2012.

CHAPTER 189

AN ACT phasing out the cosmetic medical procedure gross receipts tax, supplementing P.L.2004, c.53 (C.54:32E-1 et seq.).

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

C.54:32E-2 Cosmetic medical procedure gross receipts tax phased out.

1. Notwithstanding the provisions of section 1 of P.L.2004, c.53 (C.54:32E-1), the tax which shall be paid pursuant to P.L.2004, c.53 (C.54:32E-1) shall be imposed:

(1) at the rate of 4% on the gross receipts from a cosmetic medical procedure performed on or after July 1, 2012 but before July 1, 2013,

(2) at the rate of 2% on the gross receipts from a cosmetic medical procedure performed on or after July 1, 2013 but before July 1, 2014, and

(3) at the rate of 0% on the gross receipts from a cosmetic medical procedure performed on or after July 1, 2014.

2. This act shall take effect immediately.

Approved January 17, 2012.

CHAPTER 190

AN ACT concerning the Independent Health Care Appeals Program and supplementing P.L.1997, c.192 (C.26:2S-1 et al.) and Title 45 of the Revised Statutes.

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

C.26:2S-14.1 General hospital to provide information concerning the Independent Health Care Appeals Program.

1. A general hospital licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) shall be required, as prescribed by regulation of the Commissioner of Health and Senior Services, to:

(1) post, in a conspicuous place in each of its waiting rooms for members of the general public, a notice, as prescribed pursuant to section 3 of P.L.2011, c.190 (C.26:2S-14.2), which provides information about the operation of, and how to apply for, the Independent Health Care Appeals Program established pursuant to section 11 of P.L.1997, c.192 (C.26:2S-11); and

(2) ensure that appropriate hospital staff, including direct patient care providers, staff that are concerned with billing for hospital services or provide financial counseling to patients, and staff otherwise engaged in providing patient advocacy or patient relations services, are made aware of the program and are able to provide information to patients and their family members, or other persons on the patient's behalf, about how to contact the program.

C.45:9-22.26 Licensed physician to provide information concerning the Independent Health Care Appeals Program.

2. A licensed physician shall be required, as prescribed by regulation of the State Board of Medical Examiners, to post, in a conspicuous place in the patients' waiting room within the physician's medical office, a notice, as prescribed pursuant to section 3 of P.L.2011, c.190 (C.26:2S-14.2), which provides information about the operation of the Independent Health Care Appeals Program, established pursuant to section 11 of P.L.1997, c.192 (C.26:2S-11), and how to apply for the program.

C.26:2S-14.2 Size, content, format of notice.

3. The Commissioner of Banking and Insurance, in consultation with the Commissioner of Health and Senior Services and the State Board of Medical Examiners, shall prescribe the size, content, and format of the notice about the Independent Health Care Appeals Program to be posted in general hospitals pursuant to section 1 of P.L.2011, c.190 (C.26:2S-14.1) and in physicians' medical offices pursuant to section 2 of P.L.2011, c.190 (C.45:9-22.26), and shall make the notice available to general hospitals and physicians, and to members of the general public, by posting it on the Internet website of the Department of Banking and Insurance.

C.26:2S-14.3 Rules, regulations.

4. The Commissioner of Health and Senior Services and the State Board of Medical Examiners, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) and in consultation with each other and the Commissioner of Banking and Insurance, shall adopt rules and regulations to effectuate the purposes of this act.

5. This act shall take effect on the 180th day after enactment, but the Commissioners of Health and Senior Services and Banking and Insurance and the State Board of Medical Examiners may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of the act.

Approved January 17, 2012.

CHAPTER 191

AN ACT concerning information provided to inmates before release and amending P.L.2009, c.329.

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

1. Section 2 of P.L.2009, c.329 (C.30:1B-6.2) is amended to read as follows:

C.30:1B-6.2 Information provided to inmate prior to release; rules, regulations.

2. The Commissioner of Corrections shall provide to each inmate at least ten days prior to release from a State correctional facility:

a. A copy of the inmate's criminal history record and written information on the inmate's right to have his criminal records expunged under chapter 52 of Title 2C of the New Jersey Statutes;

b. General written information on the inmate's right to vote under R.S.19:4-1;

c. General written information on the availability of programs, including faith-based and secular programs, that would assist in removing barriers to the inmate's employment or participation in vocational or educational rehabilitative programs, including, but not limited to information concerning the "Rehabilitated Convicted Offenders Act," P.L.1968, c.282 (C.2A:168A-1 et seq.) and the certificate of rehabilitation under P.L.2007, c.327 (C.2A:168A-7 et seq.);

d. A detailed written record of the inmate's participation in educational, training, employment, and medical or other treatment programs while the inmate was incarcerated;

e. A written accounting of the fines, assessments, surcharges, restitution, penalties, child support arrearages, and any other obligations due and payable by the inmate upon release;

f. A non-driver identification card, which shall be issued by the New Jersey Motor Vehicle Commission and for which the Motor Vehicle Commission shall accept a former inmate's Department of Corrections identification card to have a two-point value in applying for the non-driver identification card;

g. A copy of the inmate's birth certificate if the inmate was born in New Jersey;

h. Assistance in obtaining a Social Security card;

i. A one-day New Jersey bus or rail pass;

j. A two-week supply of prescription medication;

k. General written information concerning child support, including child support payments owed by the inmate, information on how to seek child support payments and information on where to seek services regarding child support, child custody, and establishing parentage; and

l. (1) A medical discharge summary, which shall include instructions on how to obtain from the commissioner a copy of the inmate's full medical record. Upon request from the inmate, the commissioner shall provide a copy of the inmate's full medical record in a safe and secure manner, at no charge to the inmate.

(2) Within 90 days of the effective date of this act, the commissioner, in consultation with the State Board of Medical Examiners, shall adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to ensure that these records are expeditiously and securely provided, in a manner consistent with the provision of medical records by other providers.

2. This act shall take effect immediately, but the Commissioner of Corrections may take such anticipatory action in advance thereof as shall be necessary for the implementation of this act.

Approved January 17, 2012.

CHAPTER 192

AN ACT concerning certain emergency medical technicians and supplementing Title 40A of the New Jersey Statutes.

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

C.40A:14-215 Appointment of EMTs by municipality.

1. a. The provisions of any other law to the contrary notwithstanding, the appointing authority of a municipality which employs emergency medical technicians may appoint as a member thereof any person who:

(1) was employed as an emergency medical technician by any municipality;

(2) has satisfactorily completed a working test period in an emergency medical technician title in a municipality which has adopted Title 11A, Civil Service, of the New Jersey Statutes or satisfactorily completed a comparable, documented probationary period in an emergency medical technician title in a municipality which has not adopted Title 11A, Civil Service;

(3) was, for reasons of economy, terminated as an emergency medical technician within 60 months prior to the appointment; and

(4) was, at the time of termination in good standing with the municipal employer.

b. A municipality may employ such a person notwithstanding that:

(1) Title 11A, Civil Service, of the New Jersey Statutes is operative in that municipality;

(2) the municipality has available to it an eligible or regular reemployment list of persons eligible for such appointments; and

(3) the appointed person is not on any eligible list. A municipality which has adopted Title 11A, Civil Service, may not employ such a person if a special reemployment list is in existence for the emergency medical technician title to be filled.

c. If a municipality determines to appoint a person pursuant to the provisions of this act, it shall give first priority in making such appointments to residents of the municipality and second priority to residents of the county not residing in the municipality.

d. The seniority, seniority-related privileges and, if applicable, promotion title above the entry level title that an emergency medical technician possessed with the employer who terminated the emergency medical technician's employment for reasons of economy shall not be transferable to a new position when the emergency medical technician is appointed to a position pursuant to the provisions of this section.

C.40A:14-216 Reappointment of EMTs by municipality.

2. a. The provisions of any other law to the contrary notwithstanding, the appointing authority of a municipality which employs emergency medical technicians may reappoint as a member thereof any person who:

(1) did not hold a permanent appointment, but, in the case of a municipality which has adopted Title 11A, Civil Service, was fulfilling a working test period in an emergency medical technician title in that municipality or, in the case of a municipality which has not adopted Title 11A, Civil Service, was serving a probationary period in an emergency medical technician title;

(2) was, for reasons of economy, terminated as an emergency medical technician within 60 months prior to the appointment; and

(3) was, at the time of termination, in good standing.

b. A municipality may reemploy such a person notwithstanding that:

(1) Title 11A, Civil Service, of the New Jersey Statutes is operative in that municipality;

(2) the municipality has available to it an eligible or regular reemployment list of persons eligible for such appointments; and

(3) the appointed person is not on any eligible list. A municipality which has adopted Title 11A, Civil Service, may not re-employ such a person if a special reemployment list is in existence for the emergency medical technician title to be filled.

c. If a municipality determines to reappoint a person pursuant to the provisions of this act, it shall give first priority in making such appointments to residents of the municipality and second priority to residents of the county not residing in the municipality.

d. An emergency medical technician reappointed pursuant to this section shall complete any probationary or working test period not completed at the time of his termination for reasons of economy.

3. This act shall take effect immediately.

Approved January 17, 2012.

CHAPTER 193

AN ACT concerning the rental of residential property, designated the "Good Neighbor Act," and amending P.L.1993, c.127.

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

1. This act shall be known and may be cited as the "Good Neighbor Act."

2. Section 4 of P.L.1993, c.127 (C.40:48-2.12q) is amended to read as follows:

C.40:48-2.12q Provisions of ordinance on rentals.

4. An ordinance adopted under authority of this section shall provide:

a. If in any twenty-four-month period a specified number, which shall not be less than two, of complaints, on separate occasions, of conduct upon or in proximity to any rental premises, and attributable to the acts or incitements of any of the tenants of those premises, have been substantiated by prosecution and conviction in any court of competent jurisdiction as a violation of any provision of Title 2C of the New Jersey Statutes or any municipal ordinance governing disorderly conduct, the municipal governing body or any officer or employee of the municipality designated by the governing body for the purpose, may institute proceedings to require the landlord of those premises to post a bond against the consequences of future incidents of the same character.

b. (1) In the event a tenant is convicted of any of the conduct described in subsection a. of this section, the governing body, or the officer or employee designated pursuant to subsection a. of this section, shall cause notice advising that the conduct specified has occurred to be served on the landlord, in person or by registered mail, at the address appearing on the tax records of the municipality.

(2) The governing body or person designated pursuant to subsection a. of this section shall cause to be served upon the landlord, in person or by registered mail to the address appearing on the tax records of the municipality, notice advising of the institution of such proceedings, together with particulars of the substantiated complaints upon which those proceedings are based, and of the time and place at which a hearing will be held in the matter, which shall be in the municipal building, municipal court or other public place within the municipality, and which shall be no sooner than 30 days from the date upon which the notice is served or mailed.

c. At the hearing convened pursuant to subsection b. of this section, the hearing officer shall give full hearing to both the complaint of the municipality and to any evidence in contradiction or mitigation that the landlord, if present or represented and offering such evidence, may present. The hearing officer may consider, to the extent deemed relevant by the hearing officer, prior complaints about the residents of the property, even if those complaints did not result in a conviction. At the conclusion of the hearing the hearing officer shall determine whether the landlord shall be required to post a bond in accordance with the terms of the ordinance.

d. Any bond required to be posted shall be in accordance with the judgment of the hearing officer, in light of the nature and extent of the offenses indicated in the substantiated complaints upon which the proceedings are based, to be adequate in the case of subsequent offenses to make reparation for (1) damages likely to be caused to public or private property and damages consequent upon disruption of affected residents' rights of fair use and quiet possession of their premises, (2) securing the payment of fines and penalties likely to be levied for such offenses, and (3) compensating the municipality for the costs of repressing and prosecuting such incidents of disorderly behavior; but no such bond shall be in an amount less than \$500 or more than \$5,000. The municipality may enforce the bond thus required by action in the Superior Court, and shall be entitled to an injunction prohibiting the landlord from making or renewing any lease of the affected premises for residential purposes until that bond or equivalent security, in satisfactory form and amount, has been deposited with the municipality.

e. A bond or other security deposited in compliance with subsection d. of this section shall remain in force for a period specified pursuant to the ordinance, which shall be not less than two or more than four years. Upon the lapse of the specified period the landlord shall be entitled to the discharge thereof, unless prior thereto further proceedings leading to a forfeiture or partial forfeiture of the bond or other security shall have been had under section 5 of P.L.1993, c.127 (C.40:48-2.12r), in which case the security shall be renewed, in an amount and for a period that shall be specified by the hearing officer.

3. This act shall take effect immediately.

Approved January 17, 2012.

CHAPTER 194

AN ACT concerning certain drilling techniques and supplementing P.L.1985, c.432 (C.13:1M-1 et seq.).

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

1. The Legislature finds and declares that the process of hydraulic fracturing for natural gas exploration and production has been found to use and release a variety of chemicals and materials that, if introduced into the

air, surface waters, or ground water of the State, raise concerns about potential contamination and pollution.

Hydraulic fracturing is not occurring and is unlikely to occur in New Jersey in the foreseeable future. Nevertheless, the Legislature determines that it is prudent and in the best interest of the people of the State of New Jersey to declare a moratorium on hydraulic fracturing in New Jersey in order to conduct an investigation into whether hydraulic fracturing could have or is likely to have an adverse impact on air and water quality in this State.

2. a. No person may use the drilling technique known as hydraulic fracturing in the State for the purpose of natural gas exploration or production for a period of 12 months from the effective date of this act.

b. The Department of Environmental Protection shall conduct an investigation into whether hydraulic fracturing could have or is likely to have an adverse impact on air and water quality in this State and report its findings to the Governor and the Legislature.

c. As used in this act, "hydraulic fracturing" means the drilling technique of expanding existing fractures or creating new fractures in rock by injecting water, often with chemicals, sand, or other substances, and often under pressure, into or underneath the surface of the rock for purposes including, but not necessarily limited to, well drilling and natural gas exploration and production. The term "hydraulic fracturing" shall include "fracking," "hydrofracking," "hydrofracturing," and other colloquial terms for this drilling technique.

3. This act shall take effect immediately.

Approved January 27, 2012.

CHAPTER 195

AN ACT concerning juveniles and revising 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.1982, c.77 (C.2A:4A-21) is amended to read as follows:

C.2A:4A-21 Purposes.

2. Purposes. This act shall be construed so as to effectuate the following purposes:

a. To preserve the unity of the family whenever possible and to provide for the care, protection, and wholesome mental and physical development of juveniles coming within the provisions of this act;

b. Consistent with the protection of the public interest, to remove from children committing delinquent acts certain statutory consequences of criminal behavior, and to substitute therefor an adequate program of supervision, care and rehabilitation, and a range of sanctions designed to promote accountability and protect the public;

c. To separate juveniles from the family environment only when necessary for their health, safety or welfare or in the interests of public safety;

d. To secure for each child coming under the jurisdiction of the court such care, guidance and control, preferably in his own home, as will conduce to the child's welfare and the best interests of the State; and when such child is removed from his own family, to secure for him custody, care and discipline as nearly as possible equivalent to that which should have been given by his parents;

e. To insure that children under the jurisdiction of the court are wards of the State, subject to the discipline and entitled to the protection of the State, which may intervene to safeguard them from neglect or injury and to enforce the legal obligations due to them and from them;

f. Consistent with the protection of the public interest, to insure that any services and sanctions for juveniles provide balanced attention to the protection of the community, the imposition of accountability for offenses committed, fostering interaction and dialogue between the offender, victim and community and the development of competencies to enable children to become responsible and productive members of the community; and

g. To insure protection and a safe environment for those sexually exploited juveniles who are charged with prostitution or who are alleged to be victims of human trafficking; and to provide these juveniles with the appropriate shelter, care, counseling and crisis intervention services from the time they are taken into custody and for the duration of any legal proceedings.

2. Section 3 of P.L.1982, c.77 (C.2A:4A-22) is amended to read as follows:

C.2A:4A-22 General definitions.

3. General definitions. As used in this act:

- a. "Juvenile" means an individual who is under the age of 18 years.
- b. "Adult" means an individual 18 years of age or older.
- c. "Detention" means the temporary care of juveniles in physically restricting facilities pending court disposition.
- d. "Shelter care" means the temporary care of juveniles in facilities without physical restriction pending court disposition.
- e. "Commit" means to transfer legal custody to an institution.
- f. "Guardian" means a person, other than a parent, to whom legal custody of the child has been given by court order or who is acting in the place of the parent or is responsible for the care and welfare of the juvenile.
- g. "Juvenile-family crisis" means behavior, conduct or a condition of a juvenile, parent or guardian or other family member which presents or results in (1) a serious threat to the well-being and physical safety of a juvenile, or (2) a serious conflict between a parent or guardian and a juvenile regarding rules of conduct which has been manifested by repeated disregard for lawful parental authority by a juvenile or misuse of lawful parental authority by a parent or guardian, or (3) unauthorized absence by a juvenile for more than 24 hours from his home, or (4) a pattern of repeated unauthorized absences from school by a juvenile subject to the compulsory education provision of Title 18A of the New Jersey Statutes, or (5) an act which if committed by an adult would constitute prostitution in violation of N.J.S.2C:34-1 or any offense which the juvenile alleges is related to the juvenile being a victim of human trafficking.
- h. "Repetitive disorderly persons offense" means the second or more disorderly persons offense committed by a juvenile on at least two separate occasions and at different times.
- i. "Court" means the Superior Court, Chancery Division, Family Part unless a different meaning is plainly required.
- j. "Commission" means the Juvenile Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170).

3. Section 23 of P.L.1982, c.77 (C.2A:4A-42) is amended to read as follows:

C.2A:4A-42 Predispositional evaluation.

23. Predispositional evaluation. a. Before making a disposition, the court may refer the juvenile to an appropriate individual, agency or institution for examination and evaluation.

b. In arriving at a disposition, the court may also consult with such individuals and agencies as may be appropriate to the juvenile's situation,

including the county probation division, the Department of Children and Families, the Juvenile Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170), the county youth services commission, school personnel, clergy, law enforcement authorities, family members and other interested and knowledgeable parties. In so doing, the court may convene a predispositional conference to discuss and recommend disposition.

c. (1) The predisposition report ordered pursuant to the Rules of Court may include a statement by the victim of the offense for which the juvenile has been adjudicated delinquent or by the nearest relative of a homicide victim. The statement may include the nature and extent of any physical harm or psychological or emotional harm or trauma suffered by the victim, the extent of any loss to include loss of earnings or ability to work suffered by the victim and the effect of the crime upon the victim's family. The probation division shall notify the victim or nearest relative of a homicide victim of his right to make a statement for inclusion in the predisposition report if the victim or relative so desires. Any statement shall be made within 20 days of notification by the probation division. The report shall further include information on the financial resources of the juvenile. This information shall be made available on request to the Victims of Crime Compensation Board established pursuant to section 3 of P.L.1971, c.317 (C.52:4B-3) or to any officer authorized under section 3 of P.L.1979, c.396 (C.2C:46-4) to collect payment of an assessment, restitution or fine.

(2) Any predisposition report prepared pursuant to this section shall include:

- (a) an analysis of the circumstances attending the commission of the act;
- (b) the impact of the offense on the community;
- (c) the offender's history of delinquency or criminality;
- (d) the offender's family situation;
- (e) the offender's financial resources;
- (f) the financial resources of the juvenile's parent or guardian;
- (g) the information concerning the parent or guardian's exercise of supervision and control relevant to commission of the act; and
- (h) in any case where the juvenile is charged with an act which if committed by an adult would constitute prostitution in violation of N.J.S.2C:34-1 or any offense which the juvenile alleges is related to the juvenile being a victim of human trafficking, the predisposition report may include any information relevant to the commission of the act.

Information concerning financial resources included in the report shall be made available to any officer authorized to collect payment on any assessment, restitution or fine.

4. Section 2 of P.L.1982, c.81 (C.2A:4A-71) is amended to read as follows:

C.2A:4A-71 Review and processing of complaints.

2. Review and processing of complaints.

a. The jurisdiction of the court in any complaint filed pursuant to section 11 of P.L.1982, c.77 (C.2A:4A-30) shall extend to the juvenile who is the subject of the complaint and his parents or guardian.

b. Every complaint shall be reviewed by court intake services for recommendation as to whether the complaint should be dismissed, diverted, or referred for court action. Where the complaint alleges a crime which, if committed by an adult, would be a crime of the first, second, third or fourth degree, or alleges a repetitive disorderly persons offense or any disorderly persons offense defined in chapter 35 or chapter 36 of Title 2C, the complaint shall be referred for court action, unless the prosecutor otherwise consents to diversion. Court intake services shall consider the following factors in determining whether to recommend diversion:

(1) The seriousness of the alleged offense or conduct and the circumstances in which it occurred;

(2) The age and maturity of the juvenile;

(3) The risk that the juvenile presents as a substantial danger to others;

(4) The family circumstances, including any history of drugs, alcohol abuse or child abuse on the part of the juvenile, his parents or guardian;

(5) The nature and number of contacts with court intake services and the court that the juvenile or his family have had;

(6) The outcome of those contacts, including the services to which the juvenile or family have been referred and the results of those referrals;

(7) The availability of appropriate services outside referral to the court;

(8) Any recommendations expressed by the victim or complainant, or arresting officer, as to how the case should be resolved;

(9) Any recommendation expressed by the county prosecutor;

(10) The amenability of the juvenile to participation in a remedial education or counseling program that satisfies the requirements of subsection b. of section 2 of P.L.2011, c.128 (C.2A:4A-71.1) if the offense alleged is an eligible offense as defined in subsection c. of section 2 of P.L.2011, c.128 (C.2A:4A-71.1); and

(11) Any information relevant to the offense in any case where the juvenile is charged with an act which if committed by an adult would constitute prostitution in violation of N.J.S.2C:34-1 or any offense which the juvenile alleges is related to the juvenile being a victim of human trafficking.

5. Section 5 of P.L.1982, c.81 (C.2A:4A-74) is amended to read as follows:

C.2A:4A-74 Court intake service conference.

5. Court intake service conference. a. Where the juvenile is diverted to a court intake service conference, notices of the conference shall be sent to the juvenile and his parents or guardian and to the complainant or victim. The parties may be requested to bring to the conference all pertinent documents in their possession, including medical, social, and school records.

b. In determining the appropriate resolution of a complaint, the following factors shall be considered by court intake services:

(1) The seriousness of the alleged offense or conduct and the circumstances in which it occurred;

(2) The age and maturity of the juvenile;

(3) The risk that the juvenile presents as a substantial danger to others;

(4) The family circumstances, including any history of drugs, alcohol abuse or child abuse on the part of the juvenile, his parents or guardian;

(5) The nature and number of contacts with court intake services and the court that the juvenile and his family have had;

(6) The outcome of those contacts, including the services to which the juvenile or family have been referred and the results of those referrals;

(7) The availability of appropriate services;

(8) Any recommendations expressed by the victim or complainant, or arresting officer, as to how the case should be disposed;

(9) Whether diversion can be accomplished in a manner that holds the juvenile accountable for the conduct;

(10) The impact of the offense on the victim or victims;

(11) The impact of the offense on the community; and

(12) Any information relevant to the offense in any case where the juvenile is charged with an act which if committed by an adult would constitute prostitution in violation of N.J.S.2C:34-1 or any offense which the juvenile alleges is related to the juvenile being a victim of human trafficking.

c. Each juvenile shall be reviewed without a presumption of guilt. The intake conference shall be concerned primarily with providing balanced attention to the protection of the community, the imposition of accountability for offenses committed, fostering interaction and dialogue between the offender, victim and community and the development of competencies to enable the juvenile offender to become a responsible and productive member of the community. In addition, the conference shall be concerned with preventing more serious future misconduct by the juvenile of-

fender by obtaining the cooperation of the juvenile and his parents or guardian in complying with its recommendations. The court may schedule a hearing where the complainant or victim objects to the recommendations from the conference.

d. The resolution from the conference may include but shall not be limited to counseling, restitution, referral to appropriate community agencies, or any other community work programs or other conditions consistent with diversion that aids in providing balanced attention to the protection of the community, the imposition of accountability for offenses committed, fostering interaction and dialogue between the offender, victim and community and the development of competencies to enable the juvenile offender to become a responsible and productive member of the community, provided that:

(1) Obligations imposed as a result of the intake conference shall be an order of the court approved by the presiding judge and shall be set forth in writing and may not exceed six months. The juvenile and his or her parents or guardian shall receive copies, as shall any agencies providing services under the agreement;

(2) The court intake service worker shall inform the juvenile and the juvenile's parents or guardian in writing of their right to object at any time prior to their written agreement to the facts or terms of the intake conference decision, and if objections arise, the intake service worker may alter the terms of the proposed agreement or refer the matter to the presiding judge who shall determine if the complaint will be heard in court or returned to intake conference for further action;

(3) Written agreement pursuant to intake conferences may be terminated at any time upon the request of the juvenile and the matter referred to the presiding judge;

(4) The court intake services conference may not order the confinement of a juvenile, place a juvenile on probation, or remove a juvenile from his family as a disposition; and

(5) If, at any time during the diversion period, the court intake service worker determines that the obligations imposed under the written agreement are not being met, the intake worker shall notify the presiding judge in writing. In the case of failure to comply with the obligations imposed under the agreement by the parents or guardian, the court may proceed against such persons for enforcement of the agreement. In the case of failure to comply by the juvenile, the matter shall be referred to the court for action.

e. At the end of the diversion period a second court intake services conference may be held with all parties to the written agreement present to

ascertain if the terms of the agreement have been fulfilled. If all conditions have been met, the intake worker shall so inform the presiding judge in writing who shall order the complaint dismissed. A copy of the order dismissing the complaint shall be sent to the juvenile. If the conditions of the written agreement have not been met, the intake worker may refer the matter to the presiding judge who shall determine if the complaint will be heard in court or returned to court intake services for further action. Based on the evaluations required under this subsection, the intake conference agreement may be extended beyond the six-month maximum if all parties agree. In no case shall an intake conference agreement exceed nine months.

f. All proceedings before the conference are confidential and they shall receive only those records which in the court's judgment are necessary to aid in making a recommendation.

6. N.J.S.2C:34-1 is amended to read as follows:

Prostitution and related offenses.

2C:34-1. Prostitution and Related Offenses.

a. As used in this section:

(1) "Prostitution" is sexual activity with another person in exchange for something of economic value, or the offer or acceptance of an offer to engage in sexual activity in exchange for something of economic value.

(2) "Sexual activity" includes, but is not limited to, sexual intercourse, including genital-genital, oral-genital, anal-genital, and oral-anal contact, whether between persons of the same or opposite sex; masturbation; touching of the genitals, buttocks, or female breasts; sadistic or masochistic abuse and other deviate sexual relations.

(3) "House of prostitution" is any place where prostitution or promotion of prostitution is regularly carried on by one person under the control, management or supervision of another.

(4) "Promoting prostitution" is:

(a) Owning, controlling, managing, supervising or otherwise keeping, alone or in association with another, a house of prostitution or a prostitution business;

(b) Procuring an inmate for a house of prostitution or place in a house of prostitution for one who would be an inmate;

(c) Encouraging, inducing, or otherwise purposely causing another to become or remain a prostitute;

(d) Soliciting a person to patronize a prostitute;

(e) Procuring a prostitute for a patron;

(f) Transporting a person into or within this State with purpose to promote that person's engaging in prostitution, or procuring or paying for transportation with that purpose; or

(g) Knowingly leasing or otherwise permitting a place controlled by the actor, alone or in association with others, to be regularly used for prostitution or promotion of prostitution, or failure to make a reasonable effort to abate such use by ejecting the tenant, notifying law enforcement authorities, or other legally available means.

b. A person commits an offense if:

(1) The actor engages in prostitution;

(2) The actor promotes prostitution;

(3) The actor knowingly promotes prostitution of a child under 18 whether or not the actor mistakenly believed that the child was 18 years of age or older, even if such mistaken belief was reasonable;

(4) The actor knowingly promotes prostitution of the actor's child, ward, or any other person for whose care the actor is responsible;

(5) The actor compels another to engage in or promote prostitution;

(6) The actor promotes prostitution of the actor's spouse; or

(7) The actor knowingly engages in prostitution with a person under the age of 18, or if the actor enters into or remains in a house of prostitution for the purpose of engaging in sexual activity with a child under the age of 18, or if the actor solicits or requests a child under the age of 18 to engage in sexual activity. It shall be no defense to a prosecution under this paragraph that the actor mistakenly believed that the child was 18 years of age or older, even if such mistaken belief was reasonable.

c. Grading of offenses under subsection b.

(1) An offense under subsection b. constitutes a crime of the second degree if the offense falls within paragraph (3) or (4) of that subsection.

(2) An offense under subsection b. constitutes a crime of the third degree if the offense falls within paragraph (5), (6) or (7) of that subsection.

(3) An offense under paragraph (2) of subsection b. constitutes a crime of the third degree if the conduct falls within subparagraph (a), (b), or (c) of paragraph (4) of subsection a. Otherwise the offense is a crime of the fourth degree.

(4) An offense under subsection b. constitutes a disorderly persons offense if the offense falls within paragraph (1) of that subsection except that a second or subsequent conviction for such an offense constitutes a crime of the fourth degree. In addition, where a motor vehicle was used in the commission of any offense under paragraph (1) of subsection b. the court shall suspend for six months the driving privilege of any such offender who

has a valid driver's license issued by this State. Upon conviction, the court shall immediately collect the offender's driver's license and shall forward it, along with a report stating the first and last day of the suspension imposed pursuant to this paragraph, to the New Jersey Motor Vehicle Commission.

d. Presumption from living off prostitutes. A person, other than the prostitute or the prostitute's minor child or other legal dependent incapable of self-support, who is supported in whole or substantial part by the proceeds of prostitution is presumed to be knowingly promoting prostitution.

e. It is an affirmative defense to prosecution for a violation of this section that, during the time of the alleged commission of the offense, the defendant was a victim of human trafficking pursuant to section 1 of P.L.2005, c.77 (C.2C:13-8) or the defendant was under the age of 18.

C.52:4B-44.1 Establishment of standard protocols for provision of information and services to victims of human trafficking, minors charged with prostitution.

7. The Attorney General shall, in consultation with the Commissioner of the Department of Health and Senior Services, the Commissioner of Children and Families, the Superintendent of State Police and representatives of providers of services to victims of human trafficking and sexually exploited minors, coordinate the establishment of standard protocols for the provision of information and services to victims of human trafficking and to minors under the age of 18 who are charged with prostitution, including coordination of efforts with the appropriate federal authorities pursuant to the "Trafficking Victims Protection Reauthorization Act of 2003," 22 U.S.C. s.7101 et seq. and shall make such protocols available upon request.

8. This act shall take effect immediately and shall be applicable to all offenses committed on or after the effective date.

Approved January 17, 2012.

CHAPTER 196

AN ACT reducing the membership of the Casino Control Commission, and amending P.L.1977, c.110.

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

1. Section 50 of P.L.1977, c.110 (C.5:12-50) is amended to read as follows:

C.5:12-50 Creation of casino control commission; number of members.

50. Creation of Casino Control Commission; number of members.

a. The New Jersey Casino Control Commission, consisting of five members, is hereby created in, but not of, the Department of the Treasury. Beginning on the effective date of P.L.2011, c.196, the membership shall be reduced, pursuant to the provisions of paragraph (2) of subsection c. of section 52 of P.L.1977, c.110 (C.5:12-52), from five to three members.

b. The commission shall be principally located in Atlantic City.

2. Section 51 of P.L.1977, c.110 (C.5:12-51) is amended to read as follows:

C.5:12-51 Members of the commission; qualifications and eligibility.

51. Members of the Commission; Qualifications and Eligibility.

a. Each member of the commission shall be a citizen of the United States and a resident of the State of New Jersey.

b. No member of the Legislature, or person holding any elective or appointive office in the federal, State or local government shall be eligible to serve as a member of the commission.

c. So long as the commission consists of five members pursuant to subsection a. of section 50 of P.L.1977, c.110 (C.5:12-50), or is reduced to four members pursuant to paragraph (2) of subsection c. of section 52 of P.L.1977, c.110 (C.5:12-52), no more than three members of the commission may be of the same political affiliation. Upon the reduction of the membership to three members pursuant to the provisions of paragraph (2) of subsection c. of section 52 of P.L.1977, c.110 (C.5:12-52), no more than two members of the commission may be of the same political affiliation.

3. Section 52 of P.L.1977, c.110 (C.5:12-52) is amended to read as follows:

C.5:12-52 Appointment and terms of commission members.

52. a. (Deleted by amendment, P.L.2011, c.19)

b. (Deleted by amendment, P.L.2011, c.19)

c. (1) The commission shall, pursuant to subsection a. of section 50 of P.L.1977, c.110 (C.5:12-50), consist of five members who shall be appointed for terms of 5 years; provided, however, that beginning on the ef-

fective date of P.L.2011, c.196, the commission membership shall be reduced from five to three members in accordance with paragraph (2) of this subsection. No member shall serve more than two terms of 5 years each.

(2) Beginning on the effective date of P.L.2011, c.196, the commission membership shall be reduced from five to three members as follows:

(a) If there is a vacancy on the commission on the effective date of that act, the membership associated with that vacancy shall be eliminated.

(b) If there are more than three members remaining after the elimination of any membership pursuant to subparagraph (a) of this paragraph, then any necessary further reduction shall occur by eliminating the membership, or two memberships, as the case may be, associated with the first term, or the first and second terms, that expire next following the effective date of P.L.2011, c.196. Any elimination of a membership pursuant to this subparagraph shall occur upon the expiration of the current member's term in that position.

d. Appointments to the commission and designation of the chairman shall be made by the Governor with the advice and consent of the Senate. Prior to nomination, the Governor shall cause an inquiry to be conducted by the Attorney General into the nominee's background, with particular regard to the nominee's financial stability, integrity, and responsibility and his reputation for good character, honesty, and integrity.

e. Appointments to fill vacancies on the commission shall be for the unexpired term of the member to be replaced.

f. The member designated by the Governor to serve as chairman shall serve in such capacity throughout such member's entire term and until his successor shall have been duly appointed and qualified. No such member, however, shall serve in such capacity for more than 10 years. The chairman shall be the chief executive officer of the commission. All members shall devote full time to their duties of office and shall not pursue or engage in any other business, occupation or other gainful employment.

g. A commissioner may be removed from office for misconduct in office, willful neglect of duty, or other conduct evidencing unfitness for his office, or for incompetence. A proceeding for removal may be instituted by the Attorney General in the Superior Court. Notwithstanding any provision of this or any other act, any commissioner or employee of the commission shall automatically forfeit his office or position upon conviction of any crime. Any commissioner or employee of the commission shall be subject to the duty to appear and testify and to removal from his office, position or employment in accordance with the provisions of P.L.1970, c.72 (C.2A:81-17.2a et seq.).

h. Upon the reduction of the membership to three members pursuant to the provisions of paragraph (2) of subsection c. of this section, each re-

maintaining member of the commission, and each subsequent member appointed thereafter, shall serve for the duration of his term and until his successor shall be duly appointed and qualified, subject to the limitations in subsections c. and f. of this section.

4. Section 73 of P.L.1977, c.110 (C.5:12-73) is amended to read as follows:

C.5:12-73 Meetings and quorum.

73. Meetings and Quorum.

a. Meetings of the commission will be held at the discretion of the chairman at such times and places as he may deem necessary and convenient, or at the call of a majority of the members of the commission.

b. The commission shall in all respects comply with the provisions of the "Senator Byron M. Baer Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).

c. Any other law, rule or regulation to the contrary notwithstanding, the commission shall take all necessary steps to ensure that all interested persons are given adequate notice of commission meetings, and the agenda of such meetings, through the utilization of all media engaged in the dissemination of information.

d. (1) So long as the commission consists of five members pursuant to subsection a. of section 50 of P.L.1977, c.110 (C.5:12-50), a majority of the full commission shall determine any action of the commission, except that no casino license or interim casino authorization may be issued without the approval of four members.

(2) Upon the reduction of the commission to four members, and then to three members, pursuant to paragraph (2) of subsection c. of section 52 of P.L.1977, c.110 (C.5:12-52), a majority of the full commission shall determine any action of the commission, including the issuance of a casino license or interim casino authorization.

5. This act shall take effect immediately.

Approved January 17, 2012.

CHAPTER 197

AN ACT concerning the membership of the Fort Monmouth Economic Revitalization Authority and amending P.L.2010, c.51.

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

1. Section 8 of P.L.2010, c.51 (C.52:27I-25) is amended to read as follows:

C.52:27I-25 Members, appointment, terms.

8. a. The authority shall consist of 13 members to be appointed and qualified as follows:

(1) Three voting members appointed by the Governor with the advice and consent of the Senate, for staggered terms of five years, one of whom shall be a representative of the private sector with relevant business experience or background; one of whom shall be an individual who is knowledgeable in environmental issues, conservation, or land use issues; and one of whom shall have appropriate experience in workforce development and job training. Preference shall be given to professionals with a background in technology, finance, energy industry, or real estate. One of the members appointed under this paragraph shall be a resident of the county selected from a list of five candidates recommended by the Monmouth County Board of Chosen Freeholders and submitted to the Governor; the list of candidates for the initial selection of this member shall be so submitted within 45 days after the date of enactment of this act. In the event the Governor rejects all five candidates for the member to be selected upon the recommendation of the Monmouth County Board of Chosen Freeholders, the Monmouth County Board of Chosen Freeholders may submit an additional list of five different candidates within 30 days of the Governor's rejection of the prior list. If the Monmouth County Board of Chosen Freeholders does not submit a list of five candidates within either of the aforementioned time periods, within ten days after the expiration of such time period, the Governor shall inform the Monmouth County Board of Chosen Freeholders in writing that the Governor, at the Governor's discretion, will make such appointment. Not more than two of the members appointed by the Governor pursuant to this paragraph shall be members of the same political party, but the provisions of this paragraph regarding the selection of one such member from among candidates recommended by the Monmouth County Board of Chosen Freeholders shall not be construed to prohibit the appointment of a resident of the county for either or both of the memberships under this paragraph that are not filled from among candidates so recommended;

(2) The Chairperson of the New Jersey Economic Development Authority, ex officio and voting;

(3) Another member of the Executive Branch appointed by the Governor to serve on the authority, ex officio and voting;

(4) One voting member, who shall be a member of the Monmouth County Board of Chosen Freeholders to be appointed by the Monmouth County Board of Chosen Freeholders;

(5) The mayors of Eatontown, Oceanport, and Tinton Falls, ex officio and voting;

(6) The Commissioner of Labor and Workforce Development, who shall serve as an ex officio, non-voting member;

(7) The Commissioner of Environmental Protection, who shall serve as an ex officio, non-voting member;

(8) The Commissioner of Community Affairs, who shall serve as an ex officio, non-voting member; and

(9) The Commissioner of Transportation, who shall serve as an ex officio, non-voting member.

Each member appointed by the Governor shall hold office for the term of that member's appointment and until a successor shall have been appointed and qualified. The member appointed by the Monmouth County Board of Chosen Freeholders shall hold office for the term of that member's service on the board. In the event that a member appointed by the Monmouth County Board of Chosen Freeholders ceases to serve on that board, that member shall no longer hold office on the authority and the board shall appoint a member of the board to serve as a new member of the authority. A member shall be eligible for reappointment. Any vacancy in the membership occurring other than by expiration of term shall be filled in the same manner as the original appointment but for the unexpired term only.

b. Each ex officio member of the authority and the member appointed by the Monmouth County Board of Chosen Freeholders may designate an employee of the member's department or office to represent the member at meetings of the authority. The mayors of Eatontown, Oceanport, and Tinton Falls may designate a council member of their respective municipality, in lieu of an employee of the mayor's department or office, to represent them as a member at meetings of the authority. The designee may act on behalf of the member. The designation shall be in writing and shall be delivered to the authority and shall be effective until revoked or amended in writing to the authority.

c. Each member appointed by the Governor may be removed from office by the Governor for cause, after a public hearing, and may be suspended by the Governor pending the completion of that hearing. Each such member, before entering the duties of membership, shall take and subscribe

an oath to perform those duties faithfully, impartially, and justly to the best of the person's ability. A record of those oaths shall be filed in the office of the Secretary of State.

d. The Governor shall appoint the chairperson of the authority. The members of the authority shall annually elect a vice-chairperson from among their members. The chairperson shall appoint a secretary and treasurer. The powers of the authority shall be vested in the voting members thereof in office from time to time; five voting members of the authority shall constitute a quorum, and the affirmative vote of five voting members shall be necessary for any action taken by the authority, except as otherwise provided in subsection e. of this section, or unless the bylaws of the authority shall require a larger number. No vacancy in the membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority.

e. The affirmative vote of seven members shall be required for the following actions taken by the authority:

(1) any action to adopt or revise the plan, as provided in section 18 of this act, or to adopt or revise the development and design guidelines or land use regulations adopted by the authority as provided in section 17 of this act; (2) any action to enter into a designated redevelopment agreement with the EDA as provided in subsection a. of section 16 of this act; (3) any action to adopt any amendment to the plan pursuant to paragraph (1) of subsection e. of section 17 of this act; (4) any action to approve any project undertaken by the EDA; (5) any action to acquire easements, rights of way, or fee title to properties pursuant to subsection g. of section 9 of this act; (6) in any year that the authority is anticipated to receive no funding from the federal government, any action to approve the budget of the office for that year or any amendment to the budget pursuant to subsection d. of section 6 of this act; and (7) consent to the designation of any portion of the project area as an area in need of redevelopment or any area in need of rehabilitation pursuant to the provisions of the "Local Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et al.), as provided in subsection o. of section 9 of this act.

f. The members of the authority shall serve without compensation, but the authority may, within the limits of funds appropriated or otherwise made available for such purposes, reimburse its members for necessary expenses incurred in the discharge of their official duties.

g. (1) No member, officer, employee or agent of the authority or office shall have a personal interest, either directly or indirectly, in any project,

employment agreement or any contract, sale, purchase, lease, or transfer of real or personal property to which the authority or office is a party.

(2) The authority, as well as any business entity performing or seeking to perform a contract for the authority, shall be subject to the provisions of P.L.2005, c.51 (C.19:44A-20.13 et seq.).

(3) The members, officers, and employees of the authority shall be subject to the same financial disclosure requirements as the members, officers, and employees of State authorities subject to executive orders of the Governor with respect to financial disclosure.

h. The authority may be dissolved by act of the Legislature on condition that the authority has no debts or obligations outstanding or provision has been made for the payment, retirement, termination, or assumption of its debts and obligations. Upon dissolution of the authority, all property, funds, and assets thereof shall be vested in the State, unless the Legislature directs otherwise.

i. A true copy of the minutes of every meeting of the authority shall be forthwith delivered by and under the certification of the secretary thereof to the Governor. No action taken at such meeting by the authority shall have force or effect until 10 days, Saturdays, Sundays, and public holidays excepted, after the copy of the minutes shall have been so delivered, unless during such 10-day period the Governor shall approve the same, in which case such action shall become effective upon such approval. If, in that 10-day period, the Governor returns such copy of the minutes with veto of any action taken by the authority or any member thereof at such meeting, such action shall be void.

j. Any and all proceedings, hearings or meetings of the authority shall be conducted in conformance with the "Senator Byron M. Baer Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).

k. Records of minutes, accounts, bills, vouchers, contracts or other papers connected with or used or filed with the authority or with any officer or employee acting for or in its behalf are declared to be public records, and shall be open to public inspection in accordance with P.L.1963, c.73 (C.47:1A-1 et seq.).

2. This act shall take effect immediately.

Approved January 17, 2012.

CHAPTER 198

AN ACT concerning noise restrictions on beach bars, amusement parks and carnival amusement rides and supplementing P.L.1971, c.418 (C.13:1G-1 et seq.).

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

C.13:1G-4.3 Exceptions to the “Noise Control Act of 1971.”

1. a. It shall not be a violation of the “Noise Control Act of 1971,” P.L.1971, c.418 (C.13:1G-1 et seq.), or any rule or regulation established pursuant thereto, for a person to operate:

(1) a beach bar, existing and operating as of August 31, 2011, during normal business hours, as defined by the department, between May 15 and October 15; or

(2) an amusement park or a carnival amusement ride, existing and operating as of August 31, 2011, during normal business hours, as defined by the department, between May 15 and October 15, provided, however, that the person operating the carnival amusement ride, whether within an amusement park or otherwise, is complying with the recommendations of the manufacturer for maintaining and lubricating the carnival amusement ride to minimize, to the extent practicable, the noise sources within and on the ride.

b. In the event of the replacement of a carnival amusement ride existing and in operation as of August 31, 2011, the ride shall remain subject to the provisions of subsection a. of this section provided that the noise emissions of the new carnival amusement ride are less than or equal to the noise emissions of the ride that is being replaced.

c. As used in this section:

“Amusement park” means “amusement park” as defined in section 1 of P.L.1992, c.118 (C.5:3-55).

“Carnival amusement ride” means “carnival amusement ride” as defined in section 2 of P.L.1975, c.105 (C.5:3-32).

2. This act shall take effect immediately.

Approved January 17, 2012.

CHAPTER 199

AN ACT concerning the collocation of wireless communications equipment and supplementing P.L.1975, c.291 (C.40:55D-1 et seq.).

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

C.40:55D-46.2 Application to collocate wireless communications equipment; terms defined.

1. a. An application for development to collocate wireless communications equipment on a wireless communications support structure or in an existing equipment compound shall not be subject to site plan review provided the application meets the following requirements:

(1) the wireless communications support structure shall have been previously granted all necessary approvals by the appropriate approving authority;

(2) the proposed collocation shall not increase (a) the overall height of the wireless communications support structure by more than ten percent of the original height of the wireless communications support structure, (b) the width of the wireless communications support structure, or (c) the square footage of the existing equipment compound to an area greater than 2,500 square feet;

(3) the proposed collocation complies with the final approval of the wireless communications support structure and all conditions attached thereto and does not create a condition for which variance relief would be required pursuant to P.L.1975, c.291 (C.40:55D-1 et seq.), or any other applicable law, rule or regulation.

b. For purposes of this section:

“Equipment compound” means an area surrounding or adjacent to the base of a wireless communications support structure within which is located wireless communications equipment.

“Collocate” means to place or install wireless communications equipment on a wireless communications support structure.

“Wireless communications equipment” means the set of equipment and network components used in the provision of wireless communications services: including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cabling, and coaxial and fiber optic cable, but excluding wireless communications support structures.

“Wireless communications support structure” means a structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.

2. This act shall take effect immediately.

Approved January 17, 2012.

CHAPTER 200

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, 2012 and regulating the disbursement thereof," approved June 30, 2011 (P.L.2011, c.85).

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

1. The following language on page 111 of P.L.2011, c.85 is amended to read as follows:

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

24 Special Health Services

7540 Division of Medical Assistance and Health Services

GRANTS-IN-AID

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated to NJ FamilyCare - Affordable and Accessible Health Coverage Benefits are subject to the following conditions:

- (a) enrollment of parents who were enrolled in the New Jersey Health ACCESS program on October 31, 2001, and were enrolled in and eligible for the NJ FamilyCare program as a former Health ACCESS enrollee on July 31, 2011, shall be reinstated, and any health care expenses incurred by any such individual prior to the date of enactment of this act shall be covered as though the individual's coverage had not been terminated;
- (b) enrollment of single adults or couples without dependent children who were enrolled in the New Jersey Health ACCESS program on October 31, 2001, and were enrolled in and eligible for the NJ FamilyCare

program as a former Health ACCESS enrollee on July 31, 2011, shall be reinstated, and any health care expenses incurred by any such individual prior to the date of enactment of this act shall be covered as though the individual's coverage had not been terminated;

(c) 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 gross family income does not exceed 200% of the 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

(d) 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.

2. This act shall take effect immediately and be retroactive to August 1, 2011.

Approved January 17, 2012.

CHAPTER 201

AN ACT establishing a small business loan program within the New Jersey Economic Development Authority and supplementing Title 34 of the Revised Statutes.

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

C.34:1B-241.1 Definitions relative to a small business loan program.

1. As used in this act:

“Authority” means the New Jersey Economic Development Authority established by section 4 of P.L.1974, c.80 (C.34:1B-4).

“Eligible small business” means a business entity that, at the time of application for participation in the small business loan program established pursuant to section 2 of P.L.2011, c.201 (C.34:1B-241.2), is independently owned and operated, operates primarily within this State, and which satisfies other criteria that may be established by the authority.

C.34:1B-241.2 Maintenance, administration of small business loan program.

2. a. The authority shall maintain and administer a small business loan program for the purpose of providing small business loans to eligible small businesses.

b. Small business loans may be made to an eligible small business. The loan funds may be applied to any aspect of the business that supports its capital purchases, employee training, and salaries for new positions as determined by the authority.

c. In order to receive a small business loan, a business, at the time of application, shall provide proof that it is an eligible small business and shall enter into a small business loan agreement with the authority.

d. The authority shall review and may approve applications for the loan program.

e. A business seeking to participate in the small business loan program shall submit an application in such form as the authority shall require. Such application shall include such information as the authority shall determine is necessary in consideration of the provisions of P.L.2011, c.123 (C.52:14B-21.1 et seq.).

f. Small business loans under this section shall be made pursuant to a small business loan agreement made pursuant to subsection c. of this section and shall bear interest at rates and terms deemed appropriate by the authority, and contain other terms and conditions considered appropriate by the authority that are consistent with the purposes of P.L.2011, c.201 (C.34:1B-241.1 et seq.) and with rules and regulations promulgated by the authority to implement P.L.2011, c.201.

g. The authority may, in its discretion, require an eligible small business that receives a small business loan under the program administered pursuant to P.L.2011, c.201 (C.34:1B-241.1 et seq.) to submit an audited financial statement to the authority in order to ensure the business’s continued vitality.

h. The authority may, either through the adoption of rules and regulations, or through the terms of the small business loan agreement made pursuant to subsection c. of this section, establish terms governing the incidence of default by an eligible small business that receives a small business

loan under the program administered pursuant to P.L.2011, c.201 (C.34:1B-241.1 et seq.).

i. In determining whether to provide a loan to an eligible small business, the authority shall consider, along with other criteria that the authority in its discretion deems appropriate, whether the business commits to increasing its full-time employment level in the State.

C.34:1B-241.3 Rules, regulations.

3. The authority may adopt such rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as may be necessary to effectuate the purposes of P.L.2011, c.201 (C.34:1B-241.1 et seq.).

4. This act shall take effect immediately.

Approved January 17, 2012.

CHAPTER 202

AN ACT concerning the operation of school districts, revising various parts of the statutory law, and supplementing chapter 7F of Title 18A of the New Jersey Statutes and chapter 60 of Title 19 of the Revised Statutes.

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

C.19:60-1.1 Procedure for moving the date of school elections.

1. a. (1) The question of moving the date of a school district's annual school election to the first Tuesday after the first Monday in November, to be held simultaneously with the general election, shall be submitted to the legal voters of a local or regional school district, other than a Type II district with a board of school estimate, whenever a petition signed by not less than 15% of the number of legally qualified voters who voted in the district at the last preceding general election held for the election of electors for President and Vice-President of the United States is filed with the board of education. The question shall be submitted to the voters of the district at the next general election, provided that at least 60 days have lapsed since the date of the filing of the petition. In the event that the question is not approved by the voters, no petition may be filed to submit the question to the

voters within one year after an election shall have been held pursuant to any petition filed pursuant to this subsection.

The date of the annual school election may be moved to the first Tuesday after the first Monday in November without voter approval, upon the adoption of a resolution by the board of education of a local or regional school district, other than a Type II district with a board of school estimate, or the governing body or bodies of the municipality or municipalities constituting the district.

(2) In the event that the date of a school district's annual school election is moved to the day of the general election, the annual school election in November shall be held for the purpose of submitting a proposal to the voters for approval of additional funds pursuant to paragraph (9) of subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5), for the purpose of electing members of the board of education, and for any other purpose authorized by law. A vote shall not be required on the district's general fund tax levy for the budget year, other than the general fund tax levy required to support a proposal for additional funds.

(3) In addition to the process set forth in paragraph (1) of this subsection, in the event that all the constituent districts of a limited purpose regional school district approve moving the date of their annual school elections to November, by any of the procedures established pursuant to this subsection, then the annual school election for the limited purpose regional school district shall also be conducted simultaneously with the general election.

(4) In the event that the date of a school district's annual school election is moved to the day of the general election pursuant to this subsection, the board of education and the county board of elections shall enter into an agreement, pursuant to guidelines established by the Secretary of State, under which the board of education shall pay any agreed upon increase in the costs, charges, and expenses that may be associated with holding the school election simultaneously with the general election.

b. (1) In the case of a school district that has moved the date of its annual school election to November pursuant to subsection a. of this section, the question of moving the date of the school district's annual school election to the third Tuesday in April shall be submitted to the legal voters of a local or regional school district, other than a Type II district with a board of school estimate, whenever a petition signed by not less than 15% of the number of legally qualified voters who voted in the district at the last preceding general election held for the election of electors for President and Vice-President of the United States is filed with the board of education. The question shall be submitted to the voters of the district at the next general

election, provided that at least 60 days have lapsed since the date of the filing of the petition.

The date of the annual school election may be moved to the third Tuesday in April without voter approval, upon the adoption of a resolution by the board of education of a local or regional school district, other than a Type II district with a board of school estimate, or the governing body or bodies of the municipality or municipalities constituting the district.

No resolution may be adopted and no petition may be filed pursuant to this subsection until at least four annual school elections have been held in November.

(2) In the event that the date of the annual school election is moved to the third Tuesday in April, a vote shall be held on the district's general fund tax levy for the budget year including any proposal for additional funds pursuant to paragraph (9) of subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5), the election of members of the board of education, and for any other purpose authorized by law.

(3) In addition to the process set forth in paragraph (1) of this subsection, in the event that all the constituent districts of a limited purpose regional school district approve moving the date of their annual school elections to the third Tuesday in April, by any of the procedures established pursuant to this subsection, then the annual school election for the limited purpose regional school district shall also be conducted on the third Tuesday in April.

2. Section 5 of P.L.1996, c.138 (C.18A:7F-5) is amended to read as follows:

C.18A:7F-5 Notification of districts of aid payable; budget submissions.

5. As used in this section, "cost of living" means the CPI as defined in section 3 of P.L.2007, c.260 (C.18A:7F-45).

a. Within 30 days following the approval of the Educational Adequacy Report, the commissioner shall notify each district of the base per pupil amount, the per pupil amounts for full-day preschool, the weights for grade level, county vocational school districts, at-risk pupils, bilingual pupils, and combination pupils, the cost coefficients for security aid and for transportation aid, the State average classification rate and the excess cost for general special education services pupils, the State average classification rate and the excess cost for speech-only pupils, and the geographic cost adjustment for each of the school years to which the report is applicable.

Annually, within two days following the transmittal of the State budget message to the Legislature by the Governor pursuant to section 11 of P.L.1944, c.112 (C.52:27B-20), the commissioner shall notify each district of the maximum amount of aid payable to the district in the succeeding school year pursuant to the provisions of P.L.2007, c.260 (C.18A:7F-43 et al.), and shall notify each district of the district's adequacy budget for the succeeding school year.

For the 2008-2009 school year and thereafter, unless otherwise specified within P.L.2007, c.260 (C.18A:7F-43 et al.), aid amounts payable for the budget year shall be based on budget year pupil counts, which shall be projected by the commissioner using data from prior years. Adjustments for the actual pupil counts of the budget year shall be made to State aid amounts payable during the school year succeeding the budget year. Additional amounts payable shall be reflected as revenue and an account receivable for the budget year.

Notwithstanding any other provision of this act to the contrary, each district's State aid payable for the 2008-2009 school year, with the exception of aid for school facilities projects, shall be based on simulations employing the various formulas and State aid amounts contained in P.L.2007, c.260 (C.18A:7F-43 et al.). The commissioner shall prepare a report dated December 12, 2007 reflecting the State aid amounts payable by category for each district and shall submit the report to the Legislature prior to the adoption of P.L.2007, c.260 (C.18A:7F-43 et al.). Except as otherwise provided pursuant to this subsection and paragraph (3) of subsection d. of section 5 of P.L.2007, c.260 (C.18A:7F-47), the amounts contained in the commissioner's report shall be the final amounts payable and shall not be subsequently adjusted other than to reflect the phase-in of the required general fund local levy pursuant to paragraph (4) of subsection b. of section 16 of P.L.2007, c.260 (C.18A:7F-58) and to reflect school choice aid to which a district may be entitled pursuant to section 20 of that act. The projected pupil counts and equalized valuations used for the calculation of State aid shall also be used for the calculation of adequacy budget, local share, and required local share. For 2008-2009, extraordinary special education State aid shall be included as a projected amount in the commissioner's report dated December 12, 2007 pending the final approval of applications for the aid. If the actual award of extraordinary special education State aid is greater than the projected amount, the district shall receive the increase in the aid payable in the subsequent school year pursuant to the provisions of subsection c. of section 13 of P.L.2007, c.260 (C.18A:7F-55). If the actual award of extraordinary special education State aid is less than the projected

amount, other State aid categories shall be adjusted accordingly so that the district shall not receive less State aid than as provided in accordance with the provisions of sections 5 and 16 of P.L.2007, c.260 (C.18A:7F-47 and C.18A:7F-58).

In the event that the commissioner determines, following the enactment of P.L.2007, c.260 (C.18A:7F-43 et al.) but prior to the issuance of State aid notices for the 2008-2009 school year, that a significant district-specific change in data warrants an increase in State aid for that district, the commissioner may adjust the State aid amount provided for the district in the December 12, 2007 report to reflect the increase.

b. Each district shall have a required local share. For districts that receive educational adequacy aid pursuant to subsection b. of section 16 of P.L.2007, c.260 (C.18A:7F-58), the required local share shall be calculated in accordance with the provisions of that subsection.

For all other districts, the required local share shall equal the lesser of the local share calculated at the district's adequacy budget pursuant to section 9 of P.L.2007, c.260 (C.18A:7F-51), or the district's budgeted local share for the prebudget year.

In order to meet this requirement, each district shall raise a general fund tax levy which equals its required local share.

No municipal governing body or bodies or board of school estimate, as appropriate, shall certify a general fund tax levy which does not meet the required local share provisions of this section.

c. Annually, on or before March 4, each district board of education shall adopt, and submit to the commissioner for approval, together with such supporting documentation as the commissioner may prescribe, a budget that provides for a thorough and efficient education. Notwithstanding the provisions of this subsection to the contrary, the commissioner may adjust the date for the submission of district budgets if the commissioner determines that the availability of preliminary aid numbers for the subsequent school year warrants such adjustment.

Notwithstanding any provision of this section to the contrary, for the 2005-2006 school year each district board of education shall submit a proposed budget in which the advertised per pupil administrative costs do not exceed the lower of the following:

(1) the district's advertised per pupil administrative costs for the 2004-2005 school year inflated by the cost of living or 2.5 percent, whichever is greater; or

(2) the per pupil administrative cost limits for the district's region as determined by the commissioner based on audited expenditures for the 2003-2004 school year.

The executive county superintendent of schools may disapprove the school district's 2005-2006 proposed budget if he determines that the district has not implemented all potential efficiencies in the administrative operations of the district. The executive county superintendent shall work with each school district in the county during the 2004-2005 school year to identify administrative inefficiencies in the operations of the district that might cause the superintendent to reject the district's proposed 2005-2006 school year budget.

For the 2006-2007 school year and each school year thereafter, each district board of education shall submit a proposed budget in which the advertised per pupil administrative costs do not exceed the lower of the following:

(1) the district's prior year per pupil administrative costs; except that the district may submit a request to the commissioner for approval to exceed the district's prior year per pupil administrative costs due to increases in enrollment, administrative positions necessary as a result of mandated programs, administrative vacancies, nondiscretionary fixed costs, and such other items as defined in accordance with regulations adopted pursuant to section 7 of P.L.2004, c.73. In the event that the commissioner approves a district's request to exceed its prior year per pupil administrative costs, the increase authorized by the commissioner shall not exceed the cost of living or 2.5 percent, whichever is greater; or

(2) the prior year per pupil administrative cost limits for the district's region inflated by the cost of living or 2.5 percent, whichever is greater.

d. (1) A district's general fund tax levy shall not exceed the district's adjusted tax levy as calculated pursuant to sections 3 and 4 of P.L.2007, c.62 (C.18A:7F-38 and 18A:7F-39).

(2) (Deleted by amendment, P.L.2007, c.260).

(3) (Deleted by amendment, P.L.2007, c.260).

(4) Any debt service payment made by a school district during the budget year shall not be included in the calculation of the district's adjusted tax levy.

(5) (Deleted by amendment, P.L.2007, c.260).

(6) (Deleted by amendment, P.L.2007, c.260).

(7) (Deleted by amendment, P.L.2004, c.73).

(8) (Deleted by amendment, P.L.2010, c.44)

(9) Any district may submit at the annual school budget election, in accordance with subsection c. of section 4 of P.L.2007, c.62 (C.18A:7F-39), a separate proposal or proposals for additional funds, including interpretive statements, specifically identifying the program purposes for which the proposed funds shall be used, to the voters, who may, by voter approval, authorize the raising of an additional general fund tax levy for such purposes. In the case of a district with a board of school estimate, one proposal for the additional spending shall be submitted to the board of school estimate. Any proposal or proposals submitted to the voters or the board of school estimate shall not: include any programs and services that were included in the district's prebudget year net budget unless the proposal is approved by the commissioner upon submission by the district of sufficient reason for an exemption to this requirement; or include any new programs and services necessary for students to achieve the thoroughness standards established pursuant to subsection a. of section 4 of P.L.2007, c.260 (C.18A:7F-46).

The executive county superintendent of schools may prohibit the submission of a separate proposal or proposals to the voters or board of school estimate if he determines that the district has not implemented all potential efficiencies in the administrative operations of the district, which efficiencies would eliminate the need for the raising of an additional general fund tax levy.

(10) Notwithstanding any provision of law to the contrary, if a district proposes a budget with a general fund tax levy and equalization aid which exceed the adequacy budget, the following statement shall be published in the legal notice of public hearing on the budget pursuant to N.J.S.18A:22-28, posted at the public hearing held on the budget pursuant to N.J.S.18A:22-29, and printed on the sample ballot required pursuant to section 10 of P.L.1995, c.278 (C.19:60-10):

"Your school district has proposed programs and services in addition to the core curriculum content standards adopted by the State Board of Education. Information on this budget and the programs and services it provides is available from your local school district."

(11) Any reduction that may be required to be made to programs and services included in a district's prebudget year net budget in order for the district to limit the growth in its budget between the prebudget and budget years by its tax levy growth limitation as calculated pursuant to sections 3 and 4 of P.L.2007, c.62 (C.18A:7F-38 and 18A:7F-39), shall only include reductions to excessive administration or programs and services that are inefficient or ineffective.

e. (1) Any general fund tax levy rejected by the voters for a proposed budget that includes a general fund tax levy and equalization aid in excess of the adequacy budget shall be submitted to the governing body of each of the municipalities included within the district for determination of the amount that should be expended notwithstanding voter rejection. In the case of a district having a board of school estimate, the general fund tax levy shall be submitted to the board for determination of the amount that should be expended. If the governing body or bodies or board of school estimate, as appropriate, reduce the district's proposed budget, the district may appeal any of the reductions to the commissioner on the grounds that the reductions will negatively impact on the stability of the district given the need for long term planning and budgeting. In considering the appeal, the commissioner shall consider enrollment increases or decreases within the district; the history of voter approval or rejection of district budgets; the impact on the local levy; and whether the reductions will impact on the ability of the district to fulfill its contractual obligations. A district may not appeal any reductions on the grounds that the amount is necessary for a thorough and efficient education.

(2) Any general fund tax levy rejected by the voters for a proposed budget that includes a general fund tax levy and equalization aid at or below the adequacy budget shall be submitted to the governing body of each of the municipalities included within the district for determination of the amount that should be expended notwithstanding voter rejection. In the case of a district having a board of school estimate, the general fund tax levy shall be submitted to the board for determination. Any reductions may be appealed to the commissioner on the grounds that the amount is necessary for a thorough and efficient education or that the reductions will negatively impact on the stability of the district given the need for long term planning and budgeting. In considering the appeal, the commissioner shall also consider the factors outlined in paragraph (1) of this subsection.

In addition, the municipal governing body or board of school estimate shall be required to demonstrate clearly to the commissioner that the proposed budget reductions shall not adversely affect the ability of the school district to provide a thorough and efficient education or the stability of the district given the need for long term planning and budgeting.

(3) In lieu of any budget reduction appeal provided for pursuant to paragraphs (1) and (2) of this subsection, the State board may establish pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), an expedited budget review process based on a district's application to the commissioner for an order to restore a budget reduction.

(4) When the voters, municipal governing body or bodies, board of education in the case of a school district in which the annual school election has been moved to November pursuant to subsection a. of section 1 of P.L.2011, c.202 (C.19:60-1.1), or the board of school estimate authorize the general fund tax levy, the district shall submit the resulting budget to the commissioner within 15 days of the authorization.

f. (Deleted by amendment, P.L.2007, c.260).

g. (Deleted by amendment, P.L.2007, c.260).

3. Section 4 of P.L.2007, c.62 (C.18A:7F-39) is amended to read as follows:

C.18A:7F-39 Proposal submission required to increase adjusted tax levy, certain circumstances.

4. a. (Deleted by amendment, P.L.2010, c.44)

b. (Deleted by amendment, P.L.2010, c.44)

c. A school district may submit to the voters at the annual school election, or on such other date as is set by regulation of the commissioner, a proposal or proposals to increase the adjusted tax levy by more than the allowable amount authorized pursuant to section 3 of P.L.2007, c.62 (C.18A:7F-38). The proposal or proposals to increase the adjusted tax levy shall be approved if a majority of people voting shall vote in the affirmative. In the case of a school district with a board of school estimate, the additional adjusted tax levy shall be authorized only if a quorum is present for the vote and a majority of those board members who are present vote in the affirmative to authorize the additional adjusted tax levy.

(1) A proposal or proposals submitted to the voters or the board of school estimate to increase the tax levy pursuant to this subsection shall not include any programs or services necessary for students to achieve the core curriculum content standards.

(2) All proposals to increase the tax levy submitted pursuant to this subsection shall include interpretive statements specifically identifying the program purposes for which the proposed funds shall be used and a clear statement on whether approval will affect only the current year or result in a permanent increase in the levy. The proposals shall be submitted and approved pursuant to sections 5 and 6 of P.L.1996, c.138 (C.18A:7F-5 and 18A:7F-6).

d. (Deleted by amendment, P.L.2010, c.44)

e. A school district that has not been granted approval to exceed the cap pursuant to subsection c. of this section, may add to its adjusted tax

levy in any one of the next three succeeding budget years, the amount of the difference between the maximum allowable amount to be raised by taxation for the current school budget year and the actual amount to be raised by taxation for the current school budget year.

4. N.J.S.18A:8-20 is amended to read as follows:

Powers, duties of first boards of education of new, remaining districts.

18A:8-20. The first board of education of the new district and the first board of education of the remaining district shall each prepare and submit, if applicable, to the voters of the district, as required by law, the first budgets for said district and they shall make proper provision for an election to be conducted, in accordance with the provisions of P.L.1995, c.278 (C.19:60-1 et al.), for the members of the board of education of the district to replace the appointed members of the board, for such terms that three members of the board of the district, as thereafter constituted, will be elected each year, at an annual election to be held in the district at the same time as that on which the next annual election for the original district would have been held.

5. N.J.S.18A:8-36 is amended to read as follows:

Appropriations authorized by majority of votes cast.

18A:8-36. At any election in which an appropriation must be authorized, a majority of the total votes cast thereon in all of the territory of the consolidated school district shall be necessary for the authorization.

6. N.J.S.18A:9-10 is amended to read as follows:

Electing additional board members.

18A:9-10. If the membership of the board in any such district so becoming a type II district is less than nine, it shall be increased to nine by the election of added members at the next annual school election, unless the adopting election shall have been held more than 130 days or less than 60 days before the date fixed for such annual school election, in which case they shall be elected at a special school election which shall be called by the members of the board so holding over.

7. N.J.S.18A:10-3 is amended to read as follows:

Annual organization.

18A:10-3. Each board of education shall organize annually at a regular meeting held not later than at 8 p.m. at which time new members shall take office:

a. In type I districts on May 16, or on the following day if that day be Sunday.

b. In all type II districts with an April school election on any day of the first or second week following the April school election.

c. In all type II districts with a November school election on any day of the first week in January at which time new members shall take office.

If the organization meeting cannot take place on that day by reason of lack of a quorum or for any other reason, said meeting shall be held within three days thereafter.

8. N.J.S.18A:13-8 is amended to read as follows:

Boards of education of regional districts; membership; apportionment.

18A:13-8. The board of education of a regional district shall consist of nine members unless it consists of more than nine constituent districts, in which case the membership shall be the same as the number of constituent districts, plus one. If there are nine or less constituent districts, the members of the board of education of the regional district shall be apportioned by the executive county superintendent or executive county superintendents of the county or counties in which the constituent districts are situate, among said districts as nearly as may be according to the number of their inhabitants except that each constituent district shall have at least one member.

In making the apportionment of the membership of a regional board of education among the several school districts uniting to create a regional school district having nine or less constituent districts, as required by section 18A:13-36, there shall be subtracted from the number of inhabitants of a constituent school district, as shown by the last federal census officially promulgated in this State, the number of such inhabitants who according to the records of the Federal Bureau of the Census were patients in, or inmates of, any State or federal hospital or prison, or who are military personnel stationed at, or civilians residing within the limits of, any United States Army, Navy or Air Force installation, located in such constituent school district.

If there are more than nine constituent districts, the members on the board shall be apportioned among the constituent districts and the weight of their votes in all proceedings of the board shall be determined by the ap-

propriate executive county superintendent or superintendents through the following procedure:

a. The number of inhabitants of each constituent district shall be determined as shown by the last federal census officially promulgated in this State.

b. A representative ratio shall be calculated by adding the number of inhabitants of all constituent districts and dividing the sum by the board size.

c. All constituent districts shall be listed in ascending order of their number of inhabitants. If the first constituent district in said list has a number of inhabitants which is less than the representative ratio, it shall be combined with the constituent district contiguous to it having the smallest number of inhabitants. This process shall be repeated for each successively larger constituent district or combination of constituent districts until all remaining constituent districts or combinations of constituent districts shall have a number of inhabitants equal to, or exceeding the representative ratio. The districts formed in this manner shall be known as representative districts.

d. There shall be established a priority list according to the method of equal proportions for the apportionment of the members of the regional district board of education among the representative districts.

e. The members of the regional district board of education shall be apportioned among the representative districts according to the method of equal proportions, and where a representative district is composed of more than one constituent district, members shall be elected at large from within the representative district.

f. The number of inhabitants of each representative district shall be divided by the number of members assigned to that district to find the number of inhabitants per member.

g. The vote to be cast by each member of the regional district board of education in all proceedings of the board shall be determined by dividing the number of inhabitants per member in the representative district from which the member is elected by the representative ratio for the regional district, and rounding off the quotient to the nearest tenth of a full vote.

Wherever any statute or bylaw of the board requires decision in any matter by vote of a majority of the board members, or of the members present, this shall be interpreted as meaning a majority of the weighted votes of all members, or of the members present, as the case may be.

h. Whenever the above reapportionment procedure is used for a regional district having more than nine constituent districts, the terms of office of all incumbent board of education members shall terminate on the day on which the annual organization meeting of the board is held pursuant to N.J.S.18A:13-12 following certification by the executive county superin-

tendent of the representative districts and the number of members to be elected from each; provided, that if the reapportionment results in any representative district retaining its former boundaries and the same number of board members, that the members elected from such a district shall serve the full term for which they were elected. All other board members shall be elected in an election to be held on the date of the annual school election at least 60 days following certification by the executive county superintendent for initial terms of office to be designated in advance by the executive county superintendent so that, as nearly as possible, one-third of the board shall be elected in each future year, to serve for three-year terms, and where a representative district has more than one member, their terms of office shall terminate in different years.

If any constituent district is a consolidated district, or a district composed of two or more municipalities, and

a. The original district is a limited purpose regional district and such constituent district has such population that it is entitled to have apportioned to it a number of members equal to or greater than the number of districts making up such constituent district, or

b. The regional district is an all purpose district, the membership of the regional board of education from such district shall be apportioned, and from time to time reapportioned, and the members from the district shall be elected, as their respective terms expire, in the same manner as though each of the municipalities making up such constituent district were constituent districts of the regional district.

9. N.J.S.18A:13-10 is amended to read as follows:

Annual elections.

18A:13-10. The board of education of each regional district shall provide for the holding, in accordance with the provisions of P.L.1995, c.278 (C.19:60-1 et al.), of an annual school election for the regional district.

At such election there shall be elected for terms of three years, the members of the regional boards of education to succeed those members of the board whose terms shall expire in that year, except as is in this chapter provided for the election of the first elected members of the board. The term of a member of a regional board of education elected in April shall begin on any day of the first or second week following the election. The term of a member of a regional board of education elected in November shall begin on any day of the first week in January.

10. N.J.S.18A:13-12 is amended to read as follows:

Election of officers.

18A:13-12. The board shall hold a regular meeting forthwith after its first appointment, and annually thereafter on any day of the first or second week following the annual school election in April, at which it shall organize by the election, from among its members, of a president and vice president, who shall serve until the organization meeting next succeeding the election of their respective successors as members of the board. In the case of a regional district in which the annual school election is in November, the organization meeting shall be held on any day of the first week in January. If any board shall fail to organize within the designated period, the executive county superintendent of the county, or the executive county superintendents of the counties, in which the constituent districts are situate, shall appoint, from among the members of the board, a president and vice president to serve until the organization meeting next succeeding the next election.

11. N.J.S.18A:13-13 is amended to read as follows:

Appointment of secretary.

18A:13-13. The board shall appoint a secretary who may or may not be a member of the board, for the term of one year beginning on July 1, or January 15 in the case of a regional district in which the annual school election is in November, following his appointment but he shall continue to serve after the expiration of his term until his successor is appointed and qualified. In a district which does not have a treasurer of school moneys, the secretary shall give bond in such amount and with such surety as the board shall direct. The board shall be guided in its determination of the amount of coverage necessary by a schedule of minimum limits promulgated by the State Board of Education.

12. N.J.S.18A:13-14 is amended to read as follows:

Treasurer of school moneys; appointment; term; bond.

18A:13-14. The board may appoint a treasurer of school moneys who shall not be a member or employee of the board and it shall fix his salary. His term of office shall expire annually on June 30 of each year, or January 15 of each year in the case of a regional district in which the annual school election is in November. If a municipal officer is appointed treasurer, his term shall cease if he ceases to hold his municipal office and in either case,

the treasurer shall continue in office after the expiration of his term until his successor is qualified. He shall give bond in such amount, and with such surety, as the board shall direct. The board in its determination of the amount shall be guided by a schedule of minimum limits to be promulgated by the State board.

13. N.J.S.18A:13-17 is amended to read as follows:

Submission of budget; other questions to voters; adherence to procedures.

18A:13-17. a. The regional board of education shall, at each annual April school election, submit to the voters of the regional district the amount of money fixed and determined in its budget to be voted upon for the use of the regional schools of the district for the ensuing school year and may submit thereat any other question authorized by this law to be submitted at such an election. The board may, in submitting to the voters the amount of money to be voted upon for the use of the regional schools of the district, identify the amount of money determined to be the constituent municipality's share. The board shall follow the procedures established in section 5 of P.L.1996, c.138 (C.18A:7F-5) and N.J.S.18A:22-33.

b. In the case of a regional district in which the annual school election is in November, the regional board of education shall fix and determine the district's budget for the ensuing school year and may submit at the annual school election any question authorized by law to be submitted at such an election. The board shall follow the procedures established in section 5 of P.L.1996, c.138 (C.18A:7F-5), N.J.S.18A:22-33, and section 41 of P.L.2011, c.202 (C.18A:7F-5.4).

14. N.J.S.18A:13-19 is amended to read as follows:

Procedure following school budget rejection.

18A:13-19. If the voters reject any of the items submitted at the annual April school election, within two days thereafter the board of education of the regional district shall certify to the governing body of each municipality, included within the regional district, the item or items so rejected, and such governing bodies, after consultation with the board, and no later than May 19 shall determine the amount or amounts for the ensuing school year and cause the same to be certified by the respective municipal clerks to the board of education of the regional district. The board and the governing bodies shall follow the procedures established in section 5 of P.L.1996, c.138 (C.18A:7F-5) and N.J.S.18A:22-37.

15. N.J.S.18A:13-40 is amended to read as follows:

General powers and duties of board of newly created regional districts.

18A:13-40. The board of education of a newly created regional district may, prior to taking charge and control of the educational facilities of the regional district, do all other acts and things which may be necessary for the proper organization and functioning of the public schools of the regional district during its first year, including the making of contracts for the employment of necessary personnel and for other proper purposes, the preparation and, if applicable, submission to the voters of the regional district for their approval or disapproval of the budget and the appropriations for the conduct of the public schools of the regional district during its first school year, the authorization of the purchase of real and personal property, and the construction, enlargement and repair of buildings, for school purposes, and the appropriations of the funds necessary to carry out the same and the authorization of the issuance and sale of bonds in order to provide for the payment therefor in whole or in part and the calling and holding of special elections when necessary for any such purposes and to carry out any or all of said purposes.

16. N.J.S.18A:13-46 is amended to read as follows:

Enlargement of regional districts; new board members; reapportionment.

18A:13-46. The executive county superintendent of the county in which any new constituent district of an enlarged regional district shall be situate shall, not later than 30 days after the election for the enlargement thereof, appoint one member of the enlarged board of education of the regional district from among the qualified citizens of each such new constituent district and the members so appointed shall serve until the first Monday succeeding the first annual April school election of the enlarged regional district and their successors shall be elected at said election. In the case of a regional district in which the annual school election is in November, the members so appointed shall serve until the first week in January next succeeding the first annual November school election of the enlarged regional district and their successors shall be elected at that election. If by reason of the enlargement of the district it becomes necessary to reapportion the membership of the enlarged board of education the executive county superintendent or superintendents of the county or counties in which the constituent local districts of the enlarged district are situate shall reapportion the membership of the enlarged board of education in accordance with the

provisions of sections 18A:13-8 and 18A:13-36, and at the same time shall designate the number of members to be elected from each constituent school district at the succeeding annual school election to be held therein upon the expiration of the terms of office of the members of the regional board then in office, in such manner that the representation of the constituent districts shall be established in accordance with such reapportionment at the earliest possible time but the members then in office shall continue in office for the terms for which they were elected or appointed notwithstanding such reapportionment.

17. N.J.S.18A:17-5 is amended to read as follows:

Appointment of secretary of board of education; terms; compensation; vacancy.

18A:17-5. Each secretary shall be appointed by the board, by a recorded roll call majority vote of its full membership, for a term to expire not later than June 30, or January 15 in the case of a school district in which the annual school election is in November, of the calendar year next succeeding that in which the board shall have been organized, but he shall continue to serve after the expiration of his term until his successor is appointed and qualified. The secretary may be appointed from among the members of the board and, subject to the provisions of this Title and any other law, the board shall fix his compensation; provided, however, that the secretary shall not receive compensation from the board for any period during which he is an elected or appointed member of the board.

In case of a vacancy in the office of secretary, the vacancy shall be filled by the board within 60 days after the vacancy occurs and if the board does not make such appointment within such time the executive county superintendent shall appoint a secretary who shall receive the same compensation as his predecessor in office received and shall serve until a secretary is appointed by the board.

18. N.J.S.18A:22-26 is amended to read as follows:

Board of school estimate of type II district to determine appropriation amount.

18A:22-26. At or after the public hearing but not later than April 8, the board of school estimate of a type II district having a board of school estimate shall fix and determine by a recorded roll call majority vote of its full membership the amount of money necessary to be appropriated for the use of the public schools in the district for the ensuing school year, exclusive of the amount which shall be apportioned to it by the commissioner for the year pursuant to the provisions of section 5 of P.L.1996, c.138 (C.18A:7F-

5) and shall make a certificate of the amount signed by at least a majority of all members of the board, which shall be delivered to the board of education and a copy thereof, certified under oath to be correct and true by the secretary of the board of school estimate, shall be delivered to the county board of taxation on or before April 15 in each year and a duplicate of the certificate shall be delivered to the board or governing body of each of the municipalities within the territorial limits of the district having the power to make appropriations of money raised by taxation in the municipalities or political subdivisions and to the executive county superintendent of schools and the amount shall be assessed, levied and raised under the procedure and in the manner provided by law for the levying and raising of special school taxes in other type II districts and shall be paid to the board secretary or treasurer of school moneys, as appropriate, of the district for such purposes.

Within 15 days after receiving the certificate the board of education shall notify the board of school estimate, the governing body of each municipality within the territorial limits of the school district, and the commissioner if it intends to appeal to the commissioner the board of school estimate's determination as to the amount of money requested pursuant to the provisions of section 5 of P.L.1996, c.138 (C.18A:7F-5), necessary to be appropriated for the use of the public schools of the district for the ensuing school year.

19. N.J.S.18A:22-32 is amended to read as follows:

Appropriation determination for certain type II districts.

18A:22-32. At or after the public hearing on the budget but not later than 18 days prior to the April school election, the board of education of each type II district having no board of school estimate shall fix and determine by a recorded roll call majority vote of its full membership the amount of money to be raised pursuant to section 5 of P.L.1996, c.138 (C.18A:7F-5) and any additional funds to be voted upon by the legal voters of the district at the April or November school election pursuant to paragraph (9) of subsection d. of section 5 of that act, which sum or sums shall be designated in the notice calling the election as required by law.

20. N.J.S.18A:22-33 is amended to read as follows:

Submission of budget and authorization of tax.

18A:22-33. a. The board of education of a type II district not having a board of school estimate shall at the April school election, submit to the

voters of the district, the amount of money fixed and determined in its budget pursuant to section 5 of P.L.1996, c.138 (C.18A:7F-5), excluding therefrom the sum or sums stated therein to be used for interest and debt redemption charges, in the manner provided by law, to be voted upon for the use of the public schools of the district for the ensuing school year, which amount shall be stated in the notice of the election, and the legal voters of the district shall determine at the April election, by a majority vote of those voting upon the proposition, the sum or sums, not exceeding those stated in the notice of the election, to be raised by special district tax for said purposes, in the district during the ensuing school year and the secretary of the board of education shall certify the amount so determined upon, if any, and the sums so stated for interest and debt redemption charges, to the county board of taxation of the county within two days following the certification of the election results and the amount or amounts so certified shall be included in the taxes assessed, levied and collected in the municipality or municipalities comprising the district for such purposes; except that, in the case of a district which, following the school election and the approval by the voters of the sum to be raised by special district tax for the schools of the district, determines that it has a greater surplus account available for the school year than estimated when the sum to be raised by special district tax was presented to the voters, the secretary of the board of education, with the approval of the commissioner, may between the date of the school election and the delivery of tax bills pursuant to R.S.54:4-64 re-certify to the county board of taxation the sum or sums to be raised by special district tax in the district during the ensuing school year, if the sum is lower than that approved by the voters in the school election, and if the reduction is equivalent to the additional amount available in the surplus account to be applied towards the district's budget. The amount re-certified shall be included in the taxes assessed, levied and collected in the municipality or municipalities comprising the district.

b. In the case of a district in which the annual school election is in November pursuant to subsection a. of section 1 of P.L.2011, c.202 (C.19:60-1.1), by May 19 the secretary of the board of education shall certify the amount fixed and determined by the school board pursuant to N.J.S.18A:22-32 other than any additional funds to be voted upon by the legal voters of the district and the sums so stated for interest and debt redemption charges, to the county board of taxation of the county and the amount or amounts so certified shall be included in the taxes assessed, levied and collected in the municipality or municipalities comprising the district for such purposes; except that, in the case of a district which deter-

mines that it has a greater surplus account available for the school year than estimated when the sum to be raised by special district tax was certified to the county board of taxation of the county, the secretary of the board of education, with the approval of the commissioner, may between May 19 and the delivery of tax bills pursuant to R.S.54:4-64 re-certify to the county board of taxation the sum or sums to be raised by special district tax in the district during the ensuing school year, if the sum is lower than that initially certified to the county board of taxation of the county, and if the reduction is equivalent to the additional amount available in the surplus account to be applied towards the district's budget. The amount re-certified shall be included in the taxes assessed, levied and collected in the municipality or municipalities comprising the district.

21. N.J.S.18A:22-37 is amended to read as follows:

Determination by municipalities.

18A:22-37. If the voters reject any of the items submitted at the annual April school election, the board of education shall deliver the proposed school budget pursuant to section 5 of P.L.1996, c.138 (C.18A:7F-5) to the governing body of the municipality, or of each of the municipalities included in the district within two days thereafter. The governing body of the municipality, or of each of the municipalities, included in the district shall, after consultation with the board, and by May 19, determine the amount which, in the judgment of the body or bodies, is necessary to be appropriated for each item appearing in the budget, pursuant to section 5 of P.L.1996, c.138 (C.18A:7F-5) and certify to the county board of taxation the totals of the amount so determined to be necessary for each of the following:

- a. General fund expenses of schools; or
- b. Appropriations to capital reserve account.

Within 15 days after the governing body of the municipality or of each of the municipalities included in the district shall make the certification to the county board of taxation, the board of education shall notify the governing body or bodies if it intends to appeal to the commissioner pursuant to section 5 of P.L.1996, c.138 (C.18A:7F-5) the amount which the body or bodies determined to be necessary to be appropriated for each item appearing in the proposed school budget.

22. N.J.S.18A:22-38 is amended to read as follows:

Failure to certify; commissioner to act; amount included in tax levy.

18A:22-38. If the governing body or bodies fail to certify any amount determined to be necessary pursuant to section 5 of P.L.1996, c.138 (C.18A:7F-5) for any item rejected at the annual April school election, or in the event that the governing bodies of the municipalities comprising a school district, shall certify different amounts, then the commissioner shall determine the amount or amounts which in his judgment, are necessary to be appropriated, for each of the items appearing in the budget, submitted to the governing body or bodies, and certify to the county board of taxation the totals of the amount determined to be necessary for the general fund expenses of the schools; and the amount certified shall be included in the taxes to be assessed, levied and collected in the municipality or municipalities for those purposes.

23. N.J.S.18A:22-41 is amended to read as follows:

Submission of question to voters.

18A:22-41. In any Type II district not having a board of school estimate, the board of education shall cause the question, whether or not the amount so estimated shall be so raised, to be submitted to the legal voters of the district at a special school election, to be held on such date as shall be determined upon by the board, and if at said election the question shall be adopted, the secretary shall certify that the amount so determined upon has been authorized to be raised in said manner to the county board of taxation within five days after the date of the holding of such election.

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

As used in this title.

19:1-1. As used in this Title:

"Election" means the procedure whereby the electors of this State or any political subdivision thereof elect persons to fill public office or pass on public questions.

"General election" means the annual election to be held on the first Tuesday after the first Monday in November and, where applicable, includes annual school elections held on that date.

"Primary election for the general election" means the procedure whereby the members of a political party in this State or any political subdivision thereof nominate candidates to be voted for at general elections, or elect persons to fill party offices.

"Municipal election" means an election to be held in and for a single municipality only, at regular intervals.

"Special election" means an election which is not provided for by law to be held at stated intervals.

"Any election" includes all primary, general, municipal, school and special elections, as defined herein.

"Municipality" includes any city, town, borough, village, or township.

"School election" means any annual or special election to be held in and for a local or regional school district established pursuant to chapter 8 or chapter 13 of Title 18A of the New Jersey Statutes.

"Public office" includes any office in the government of this State or any of its political subdivisions filled at elections by the electors of the State or political subdivision.

"Public question" includes any question, proposition or referendum required by the legislative or governing body of this State or any of its political subdivisions to be submitted by referendum procedure to the voters of the State or political subdivision for decision at elections.

"Political party" means a party which, at the election held for all of the members of the General Assembly next preceding the holding of any primary election held pursuant to this Title, polled for members of the General Assembly at least 10% of the total vote cast in this State.

"Party office" means the office of delegate or alternate to the national convention of a political party or member of the State, county or municipal committees of a political party.

"Masculine" includes the feminine, and the masculine pronoun wherever used in this Title shall be construed to include the feminine.

"Presidential year" means the year in which electors of President and Vice-President of the United States are voted for at the general election.

"Election district" means the territory within which or for which there is a polling place or room for all voters in the territory to cast their ballots at any election.

"District board" means the district board of registry and election in an election district.

"County board" means the county board of elections in a county.

"Superintendent" means the superintendent of elections in counties wherein the same shall have been appointed.

"Commissioner" means the commissioner of registration in counties.

"File" or "filed" means deposited in the regularly maintained office of the public official wherever said regularly maintained office is designated by statute, ordinance or resolution.

25. R.S.19:12-7 is amended to read as follows:

Publication of notice of elections.

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 next preceding the week in which the primary election for the general election is held, 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 next preceding the week in which the general election is held.

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 and at the places provided for by or pursuant to this Title.

(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 next preceding the week in which the primary election is held, 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 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 and at the places provided for by or pursuant to this Title and, where applicable, shall include annual school 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 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 and municipal 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 next preceding the week in which the general election is held, 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 to determine the proper polling place location for the voter.

(3) For a school election:

(a) The day, time and place 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 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.

26. R.S.19:14-4 is amended to read as follows:

Official general election, school election ballot, specification.

19:14-4. In the center of the ballot immediately below the perforated line shall be printed in bold-faced type the words "Official general election ballot." Below these words and extending across the ballot shall appear the words: "Name of (municipality), ... ward, ... school district (if applicable), ... election district, ... date of election, ... John Doe, county clerk." The blank spaces shall be filled in with the name of the proper municipality, the ward and district numbers and the date of the election. For school elections the name of the school district and of the municipality or municipalities comprising the district shall also be indicated thereon. The name of the county clerk shall be a facsimile of his signature. Below the last stated words extending across the ballot and at the extreme left shall be printed the words "Instructions to the voter," and immediately to the right there shall be a bracket embracing the following instructions numbered consecutively:

(1) The only kind of a mark to be made on this ballot in voting shall be a cross x, plus + or check ✓.

(2) To mark a cross x, plus +, check ✓ or when writing a name on this ballot use only ink or pencil.

(3) To vote for any candidates whose names are printed in any column, mark a cross x, plus + or check ✓ in the square at the left of the names of such candidates not in excess of the number to be elected to the office.

(4) To vote for any person whose name is not printed on this ballot, write or paste the name of such person under the proper title of office in the column designated personal choice and mark a cross x, plus + or check ✓ in the square to the left of the name so written or pasted.

(5) To vote upon any public question printed on this ballot if in favor thereof, mark a cross x, plus + or check ✓ in the square at the left of the word "Yes," and if opposed thereto, mark a cross x, plus + or check ✓ in the square at the left of the word "No."

(6) Do not mark this ballot in any other manner than above provided for and make no erasures. Should this ballot be wrongly marked, defaced, torn or any erasure made thereon or otherwise rendered unfit for use return it and obtain another. In presidential years, the following instructions shall be printed upon the general election ballot:

(7) To vote for all the electors of any party, mark a cross x, plus + or check ✓ in ink or pencil in the square at the left of the surnames of the candidates for president and vice-president for whom you desire to vote.

Below the above-stated instructions and information and, except when compliance with R.S.19:14-13 as to Statewide propositions otherwise requires, three inches below the perforated line and parallel to it, there shall be printed a six-point diagram rule extending across the ballot to within not less than a half inch to the right and left edges of the paper.

27. R.S.19:14-8 is amended to read as follows:

Arrangement of ballots.

19:14-8. In the columns of each of the political parties which made nominations at the next preceding primary election to the general election and in the personal choice column, within the space between the two-point hair line rules, there shall be printed the title of each office to be filled at such election, except as hereinafter provided.

Such titles of office shall be arranged in the following order: electors of President and Vice-President of the United States; member of the United States Senate; Governor; member of the House of Representatives; member of the State Senate; members of the General Assembly; county executive, in counties that have adopted the county executive plan of the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.); sheriff; county clerk; surrogate; register of deeds and mortgages; county supervisor; members of the board of chosen freeholders; coroners; mayor and members of municipal governing bodies, and any other titles of office. Candidates for members of a school board shall be listed in a section of the ballot that is separate from the section featuring other candidates whenever possible. Above each of such titles of office, except the one at the top, shall be printed a two-point diagram rule in place of the two-point hair line rule.

Below the titles of such offices shall be printed the names of the candidates for the offices.

The arrangement of the names of candidates for any office for which more than one are to be elected shall be determined in the manner hereinafter provided, as in the case of candidates nominated by petition.

When no nomination for an office has been made the words "No Nomination Made" in type large enough to fill the entire space or spaces below the title of office shall be printed upon the ballot.

Immediately to the left of the name of each candidate, at the extreme left of each column, including the personal choice column, shall be printed a square, one-quarter of an inch in size, formed by two-point diagram rules. In the personal choice column no names of candidates shall be printed.

To the right of the title of each office in the party columns and the personal choice column shall be printed the words "Vote for, " inserting in words the number of persons to be elected to such office.

28. R.S.19:14-10 is amended to read as follows:

Nominations by petition.

19:14-10. In the column or columns designated as nominations by petition, within the space between the two-point hair line rules, there shall be printed the title of each office for which nominations by petition have been made.

Such titles of office shall be arranged in the following order: electors of President and Vice-President of the United States; member of the United States Senate; Governor and Lieutenant Governor; member of the House of Representatives; member of the State Senate; members of the General Assembly; county executive, in counties that have adopted the county executive plan of the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.); sheriff; county clerk; surrogate; register of deeds and mortgages; county supervisor; members of the board of chosen freeholders; coroners; mayor and members of municipal governing bodies; members of the school board, when appropriate, and any other titles of office.

Above each of the titles of office, except the one on the top, shall be printed a two-point diagram rule in place of the two-point hair line rule. Below the titles of each of the offices shall be printed the names of each of the candidates for each of such offices followed by the designation or designations mentioned in the petitions filed.

Immediately to the left of the name of each candidate, at the extreme left of the column, shall be printed a square, one-quarter of an inch in size formed by two-point diagram rules.

The names of candidates for any office for which more than one are to be elected shall be arranged in groups as presented in the several certificates of nominations or petitions, which groups shall be separated from other groups and candidates by two two-point hair line rules.

To the right of the title of each office shall be printed the words "Vote for" inserting in words the number of candidates to be elected to such office.

29. R.S.19:14-16 is amended to read as follows:

Style of type, rulings and spacing.

19:14-16. The words to be printed on the perforated coupon shall be printed in twelve-point bold-faced capital letters and the figures in eighteen and twenty-two-point bold-faced type. At the head of the ballot the words "Official General Election Ballot" shall be printed in at least thirty-point bold-faced capital letters. The name of municipality, ward, school district, election district, and date, as appropriate, shall be printed in twelve-point bold-faced capital letters. The words "Instructions to the voter" shall be printed in twelve-point bold-faced capitals and small letters, while the instructions embraced within the brackets shall be printed in eight-point bold-faced capital and small letters. The column designations shall be printed in eighteen-point bold-faced capital letters and the accompanying instructions shall be printed in eight-point capitals and small letters. The titles of office and accompanying instructions shall be printed in ten-point bold-faced capital and small letters. When there is no nomination made at the primary for an office, the title shall be printed in the space where such title should appear, and the words "No Nomination Made" in type large enough to fill the entire space or spaces shall be printed therein. The names of all candidates shall be printed in ten-point capital letters. The designations following the candidates' names in the nomination by petition column or columns shall be printed in ten-point capitals and small letters, except that where they overrun the space within the column the designations may be abbreviated, and all spaces between the two-point hair line rules not occupied by the titles of office and names of candidates shall be printed in with scroll or filling to guide the voter against wrongly marking the ballot. On the foot of the ballot the words "Public Questions to be Voted Upon" shall be printed in eighteen-point bold-faced capital letters. The accompanying instructions shall be printed in eight-point capital and small letters. The public questions

to be voted upon shall be printed in ten-point capital and small letters, and the words "Yes" and "No" shall be printed in twelve-point bold-faced capital letters.

30. 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 street address or location of the polling place in the election district, the hours between which the polls shall be open, and 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."

31. R.S.19:15-2 is amended to read as follows:

Operation hours of polls; members present.

19:15-2. The district boards shall open the polls for such election at 6:00 A.M. and close them at 8:00 P.M., and shall keep them open during the whole day of election between these hours; except that for a school election held at a time other than at the time of the general election the polls shall be open between the hours of 5:00 P.M. and 9:00 P.M. and during any additional time which the school board may designate between the hours of 7:00 A.M. and 9:00 P.M.

The board may allow one member thereof at a time to be absent from the polling place and room for a period not exceeding one hour between the hours of 1:00 P.M. and 5:00 P.M. or for such shorter time as it shall see fit.

At no time from the opening of the polls to the completion of the canvass shall there be less than a majority of the board present in the polling room or place, except that during a school election held at a time other than at the time of the general election there shall always be at least one member of each district election board present or if more than two district board members are designated to serve at the polling place, at least two members present.

32. R.S.19:45-6 is amended to read as follows:

Members of district boards; compensation.

19:45-6. The compensation of each member of the district boards for all services performed by them under the provisions of this Title shall be as follows:

In all counties, for all services rendered including the counting of the votes, and in counties wherein voting machines are used, the tabulation of the votes registered on the voting machines, and the delivery of the returns, registry binders, ballot boxes and keys for the voting machines to the proper election officials, \$200 each time the primary election, the general election or any special election is held under this Title; provided, however, that:

a. (1) The member of the board charged with the duty of obtaining and signing for the signature copy registers shall receive an additional \$12.50 per election, such remuneration being limited to only one board member per election, or \$6.25 to each of two board members if they share such responsibility for the signature copy registers, and (2) the member of the board charged with the duty of returning the signature copy registers shall receive an additional \$12.50 per election, such remuneration being limited to only one board member per election, or \$6.25 to each of two board members if they share such responsibility for the signature copy registers;

b. In the case of any member of the board who is required under R.S.19:50-1 to attend in a given year a training program for district board members, but who fails to attend such a training program in that year, that compensation shall be \$50.00 for each of those elections;

c. In counties wherein voting machines are used no compensation shall be paid for any services rendered at any special election held at the same time as any primary or general election. Such compensation shall be in lieu of all other fees and payments; and

d. Compensation for district board members serving at a school election held at a time other than the time of the general election shall be paid by the board of education of the school district conducting the election at an hourly rate of \$5.77, except that the board of education may compensate such district board members at a pro-rated hourly rate consistent with the daily rate up to a maximum of \$14.29. The provisions of subsections a., b., and c. of this section shall also apply to district board members serving at a school election held at a time other than at the time of the general election, except that in the case of subsection b., the compensation shall be at an hourly rate of \$3.85.

Compensation due each member shall be paid within 30 days but not within 20 days after each election; provided, however, that no compensation shall be paid to any member of any such district board who may have

been removed from office or application for the removal of whom is pending under the provisions of R.S.19:6-4.

33. Section 1 of P.L.1995, c.278 (C.19:60-1) is amended to read as follows:

C.19:60-1 School elections, adjustments, ballots.

1. a. Except as otherwise provided in this section, an annual school election shall be held in a type II district on the third Tuesday in April. However, in any school year, the Commissioner of Education shall make any adjustments to the school budget and election calendar which may be necessary to change the annual school election date or any other school budget and election calendar date if that date coincides with a period of religious observance that limits significantly the usual activities of the followers of a particular religion or that would result in significant religious consequences for such followers. The commissioner shall inform local school boards, county clerks and boards of election of these adjustments no later than the first working day in January of the year in which the adjustments are to occur.

As used in this subsection "a period of religious observance" means any day or portion thereof on which a religious observance imposes a substantial burden on an individual's ability to vote.

An annual school election shall be held simultaneously with the general election on the first Tuesday after the first Monday in November in school districts in which the annual school election has been moved to that date pursuant to subsection a. of section 1 of P.L.2011, c.202 (C.19:60-1.1). The annual school election in November shall be for the purpose of submitting a proposal to the voters for the approval of additional funds pursuant to paragraph (9) of subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5), for the purpose of electing members of the board of education, and for any other purpose authorized by law.

b. All school elections shall be by ballot and, except as otherwise provided by P.L.1995, c.278 (C.19:60-1 et al.), shall be conducted in the manner provided for general elections pursuant to Title 19 of the Revised Statutes. No grouping of candidates or party designation shall appear on any ballot to be used in a school election.

34. Section 3 of P.L.1995, c. 278 (C.19:60-3) is amended to read as follows:

C.19:60-3 District board members to perform election duties; designation of polling place, voting equipment.

3. a. Notwithstanding the provisions of R.S.19:6-1, for school elections held at times other than at the time of the general election the county board of the county in which the election district is located shall designate two members of the district board of election to perform all the duties of the district board for that election, except that where electronic voting systems are in use in any election district in which there are more than 900 registered voters, the county board shall designate four members of the district board to perform all the duties of the district board for that election. Notwithstanding the provisions of R.S.19:6-10, the county board shall appoint one of the persons so designated to serve as judge and the other or another, as the case may be, of those persons so designated to serve as inspector for school elections.

b. Notwithstanding the provisions of subsection a. or any other law to the contrary:

(1) Upon the request of a board of education or the clerk of a municipality in the county or upon its own initiative, the county board may designate the polling place and voting equipment of one election district to serve as the polling place and voting equipment for the voters of one or more other election districts for school elections held at times other than at the time of the general election. Such a designation shall be based on the casting of no more than 500 ballots during each of the two preceding annual April school elections by the voters of the election districts for which that polling place is designated. If, at two consecutive annual April school elections thereafter, the number of ballots cast by the voters in those election districts is more than 500, the county board shall effect an appropriate revision of the election districts using that polling place. If a request is from a municipal clerk, the request shall apply only to the election districts in that municipality.

(2) If one polling place is designated for two or more election districts, the county board shall designate at least two members from among the members of the district boards of election of those election districts to perform all the duties of the district board for the school election held at times other than at the time of the general election. The county board shall also appoint one of the persons so designated to serve as judge and another of those persons to serve as inspector for school elections.

35. Section 4 of P.L.1995, c.278 (C.19:60-4) is amended to read as follows:

C.19:60-4 Submission of public questions.

4. The secretary of each board of education shall, not later than 10 o'clock a.m. of the 18th day preceding the annual April school election or a special school election, make and certify and forward to the clerk of the county in which the school district is located a statement designating the public question to be voted upon by the voters of the district which may be required pursuant to the provisions of P.L.1995, c.278 (C.19:60-1 et al.) or Title 18A of the New Jersey Statutes.

The secretary of each board of education of a school district in which the annual school election has been moved to November pursuant to subsection a. of section 1 of P.L.2011, c.202 (C.19:60-1.1), not later than 10 o'clock a.m. of the 60th day preceding the November school election, shall make and certify and forward to the clerk of the county in which the school district is located a statement designating any public question to be voted upon by the voters of the district which may be required pursuant to the provisions of P.L.1995, c.278 (C.19:60-1 et al.) or Title 18A of the New Jersey Statutes.

36. Section 7 of P.L.1995, c.278 (C.19:60-7) is amended to read as follows:

C.19:60-7 Nomination procedures; withdrawal, vacancy; objections.

7. Each candidate to be voted upon at a school election shall be nominated directly by petition, and the procedures for such nomination shall, to the extent not inconsistent with the provisions of P.L.1995, c.278 (C.19:60-1 et al.), conform to the procedure for nominating candidates by direct petition under chapter 13 of Title 19 of the Revised Statutes. Notwithstanding the provisions of R.S.19:13-5, however, a petition of nomination for such office shall be signed by at least 10 persons, one of whom may be the candidate, and filed with the secretary of the board of education on or before four p.m. of the 50th day preceding the date of the April school election or with the county clerk on or before four p.m. of the day of the holding of the primary election for the general election for candidates seeking election as a member of a board of education at the November school election, as applicable. The signatures need not all appear upon a single petition and any number of petitions may be filed on behalf of any candidate but no petition shall contain the endorsement of more than one candidate.

Any candidate may withdraw as a candidate in a school election by filing a notice in writing, signed by the candidate, of such withdrawal with the secretary of the board of education before the 44th day before the date

of the April election or with the county clerk on the 60th day before the date of the November election, as applicable, and thereupon the name of that candidate shall be withdrawn by the secretary of the board of education and shall not be printed on the ballot.

A vacancy created by a declination of nomination or withdrawal by, or death of, a nominee, or in any other manner, shall be ineligible to be filled under the provisions of R.S.19:13-19 or otherwise.

Whenever written objection to a petition of nomination hereunder shall have been made and timely filed with the secretary of the board of education or with the county clerk, as may be appropriate, the board of education shall file its determination of the objection on or before the 44th day preceding the April school election or the county clerk shall file the clerk's determination of the objection on or before the 10th day after the last day for the filing of petitions for candidates seeking election as a member of a board of education at the November school election, as applicable. The last day upon which a candidate may file with the Superior Court a verified complaint setting forth any invasion or threatened invasion of the candidate's rights under the candidate's petition of nomination shall be the 46th day before the April election or the 12th day after the last day for the filing of petitions for candidates seeking election as a member of a board of education at the November election, as applicable. The last day upon which a candidate whose petition of nomination or any affidavit thereto is defective may amend such petition or affidavit shall be the 44th day before the April election or the 10th day after the last day for the filing of petitions for candidates seeking election as a member of a board of education at the November election, as applicable.

37. Section 9 of P.L.1995, c.278 (C.19:60-9) is amended to read as follows:

C.19:60-9 Ballot, form, contents.

9. The ballot for a school election shall be a single or blanket form of ballot, upon which shall be printed in bold-faced type the words "OFFICIAL SCHOOL ELECTION BALLOT" or "OFFICIAL SPECIAL SCHOOL ELECTION BALLOT," as appropriate.

Any public question which is to be submitted to the voters at a school election shall be printed in a separate space below or to the right of, as the county clerk shall determine, the listing of candidates in the election.

In the columns in which are listed the titles of the offices to be filled at a school election and the names of candidates for those offices, the title of

and the names of candidates for the office of member of the regional board of education shall appear above the title of and the names of candidates for the office of member of the local board of education. With respect to either office, in the event that one or more persons are to be elected to membership thereon for a full term and one or more persons are to be elected to membership thereon to fill an unexpired term, the ballots shall designate which of the candidates to be voted for is to be elected for a full term and which for an unexpired term. In all cases in which one or more persons are to be elected for an unexpired term, the ballots shall indicate the duration of that unexpired term.

All public questions to be voted upon at a school election by the voters of more than one municipality shall be placed first before any question to be voted upon at that election by the voters of a single municipality. When the public question to be voted upon by the voters of a regional school district is the amount of money to be raised for the use of the regional schools of the district, the amount of money determined to be the constituent municipality's share thereof may be identified on the ballot pursuant to N.J.S.18A:13-17.

Every county clerk shall have ready for the printer a copy of the contents of official ballots required by law to be printed for use at a school election, as follows: in the case of the annual April school election, not later than the 17th day preceding that election; in the case of any special school election, not later than two business days following receipt by the clerk of official notice of the complete content of the ballot to be voted upon at that election; and in the case of the annual November school election, in accordance with the provisions of R.S.19:14-1.

The ballots for an annual school election to be held simultaneously with the general election shall be in accordance with the provisions of chapter 14 of Title 19 of the Revised Statutes.

At an annual school election held simultaneously with the general election, the names of the candidates for the office of member of the board of education shall appear on the ballot separately from the names of candidates for other offices whenever possible. Any proposals for additional funds pursuant to paragraph (9) of subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5) shall appear on the ballot near the names of the candidates for the office of member of the board of education whenever possible.

38. Section 11 of P.L.1995, c.278 (C.19:60-11) is amended to read as follows:

C.19:60-11 Use of poll list in lieu of signature copy register.

11. The district board of election shall, for any school election held at a time other than the time of the general election, utilize a poll list instead of the signature copy register. The poll list shall be arranged in a column or columns appropriately headed so as to indicate the election, the date thereof, and the school district and election district in which the same is used, in such a manner that each voter voting in the polling place at the election may sign the voter's name and state the voter's address therein and the number of the voter's official ballot may be indicated opposite the signature. The district board shall compare the signature in the poll lists with that in the signature copy registers before accepting the ballot.

If one polling place is designated for two or more election districts pursuant to subsection b. of section 3 of P.L.1995, c.278 (C.19:60-3), the provisions of this section shall apply to the members of the district boards of election designated to serve as the election officers at the polling place for those election districts. The signature copy registers for those election districts shall be provided to those election officers.

39. Section 12 of P.L.1995, c.278 (C.19:60-12) is amended to read as follows:

C.19:60-12 Expenses; mandated expenditures.

12. All costs, charges and expenses, including the compensation of the members of the district boards and the compensation and expenses of the county board of elections, the county superintendent of elections, the clerk of the county, and the municipal clerks for any school election held at a time other than the time of the general election shall be paid by the board of education of the school district. All costs, charges and expenses submitted to the board of education for payment shall be itemized and shall include the separate identification of costs to prepare, print and distribute sample ballots. Amounts expended by a county or a municipality in the conduct of school elections for which the board of education shall make payment shall be considered mandated expenditures exempt from the limitations on the county tax levy and from the limitations on final municipal appropriations imposed pursuant to P.L.1976, c.68 (C.40A:4-45.1 et seq.), and any costs to the board of education which exceed the amount of the costs to that board for the annual school election immediately preceding the enactment of P.L.1995, c.278 (C.19:60-1 et seq.) shall not be included for the purpose of calculating a school district's tax levy growth limitation pursuant to P.L.2007, c.62 (C.18A:7F-37 et al.).

40. R.S.54:4-45 is amended to read as follows:

Certified statement of amount of moneys appropriated for school purposes.

54:4-45. The clerk or other proper officer of each type II school district having no board of school estimate shall, on or before May 19 in each year, transmit to the county board of taxation a certified statement of the amount of moneys appropriated for school purposes, which shall include interest to be paid, principal payments of indebtedness, and sinking fund requirements for the school year for which such appropriations are made, to be raised by taxation in the school district.

C.18A:7F-5.4 Submission of temporary budget for the school year.

41. A board of education of a school district in which the annual school election has been moved to November pursuant to subsection a. of section 1 of P.L.2011, c.202 (C.19:60-1.1) and which has determined to submit a proposal or proposals for additional funds to the voters at the annual school election pursuant to paragraph (9) of subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5), shall adopt and submit to the commissioner for approval pursuant to subsection c. of section 5 of P.L.1996, c.138 (C.18A:7F-5), a temporary budget for the school year pending the approval or disapproval of the proposal or proposals for additional funds by the voters. The temporary budget shall be calculated pursuant to the provisions of paragraph (1) of subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5) or P.L.2007, c.62 (C.18A:7F-37 et al.), as appropriate.

C.18A:7F-5.5 Proposals for additional funds.

42. In the case of a school district in which the annual school election has been moved to November pursuant to subsection a. of section 1 of P.L.2011, c.202 (C.19:60-1.1), if the voters authorize the proposal or proposals for additional funds pursuant to paragraph (9) of subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5), the district shall submit the resulting final budget to the commissioner within 15 days of the action of the voters. If the voters fail to authorize the proposal or proposals for additional funds, the temporary budget shall be the final budget for the district for that school year.

C.18A:7F-5.6 Recertification of sums to be raised.

43. In the case of a school district in which the annual school election has been moved to November pursuant to subsection a. of section 1 of P.L.2011, c.202 (C.19:60-1.1), if the voters approve a proposal or proposals

for additional funds pursuant to paragraph (9) of subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5), the secretary of the board of education shall re-certify to the county board of taxation the sum or sums to be raised by special district tax for the school year. The amount re-certified shall be included in the taxes assessed, levied and collected in the municipality or municipalities comprising the district.

C.18A:7F-5.7 Actions deemed necessary for taxation purposes.

44. The Director of the Division of Local Government Services in the Department of Community Affairs and the Director of the Division of Taxation in the Department of the Treasury, in consultation with the Commissioner of Education, shall take such action as deemed necessary for the delivery of estimated tax bills and the recertification of the school district tax levy pursuant to section 43 of P.L.2011, c.202 (C.18A:7F-5.6) for districts in which the annual school election is in November and that determine to submit proposal or proposals for additional funds pursuant to paragraph (9) of subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5).

C.18A:12-15.1 Terms of board members in certain districts.

45. In the case of a school district in which the annual school election has been moved to November pursuant to subsection a. of section 1 of P.L.2011, c.202 (C.19:60-1.1), an elected member of a board of education, or a member of a board of education appointed to serve the unexpired term of an elected member, or an appointed member of a board of education other than a member in a district in a city of the first class, who is holding office on the effective date of P.L.2011, c.202 (C.19:60-1.1 et al.) shall continue in office until the day in January next following the year in which his term was originally set to expire when his successor takes office.

46. R.S.19:49-2 is amended to read as follows:

Official ballots.

19:49-2. All official ballots shall be in black ink in type as large as space will reasonably permit; provided, however, that any public question which shall be placed on the ballot shall be in red and above any public question to be voted upon by the voters of the entire State there shall be, also in red, a description of the public question, which description shall not exceed six words and shall be in type as large as is practicable. Party nominations shall be arranged on each voting machine, either in columns or horizontal rows; the caption of the various ballots on the machines shall be

so placed on the machines as to indicate to the voter what device is to be used or operated in order to vote for the candidates or candidate of his or her choice. The providing of the official ballots, the order of the precedence and arrangement of parties and of candidates, and the instructions for the use of a device to be used or operated in order to vote for candidates shall be as now required by law, except that in those counties where voting machines are used, the county clerk shall have the authority to determine the specifications for, and the final arrangement of, the official ballots.

For the primary election for the general election in all counties where voting machines are or shall be used, all candidates who shall file a joint petition with the county clerk of their respective county and who shall choose the same designation or slogan shall be drawn for position on the ballot as a unit and shall have their names placed on the same line of the voting machine; and provided further, that all candidates for municipal or party office in municipalities in counties where voting machines are or shall be used who shall file a petition with the clerk of their municipality bearing the same designation or slogan as that of the candidates filing a joint petition with the county clerk as aforesaid, may request that his or her name be placed on the same line of the voting machine with the candidates who have filed a joint petition with the county clerk as aforesaid by so notifying the county clerk of said county in writing within two days after the last day for filing nominating petitions and thereupon the county clerk shall forthwith notify the campaign manager of such candidates filing a joint petition as aforesaid of said request, and if the said campaign manager shall file his consent in writing with the said county clerk within two days after the receipt of said notification from said county clerk, the clerk of said county shall place the name of such candidate on the same line of the voting machine on which appears the names of the candidates who have filed the joint petition as aforesaid; provided, also, that any candidate filing a petition with the Attorney General may request that his or her name be placed on the same line of the voting machine with the candidates who have filed a joint petition with the county clerk as aforesaid by so notifying the county clerk of said county in writing within two days after the last day for filing nominating petitions, and thereupon the county clerk shall forthwith notify the campaign manager of such candidates filing a joint petition as aforesaid of said request, and if the said campaign manager shall file his consent in writing with the said county clerk within two days after the receipt of said notification from said county clerk, the clerk of said county shall place the name of such candidate on the same line of the voting machine on which

appears the names of the candidates who have filed the joint petition as aforesaid.

47. This act shall take effect immediately.

Approved January 17, 2012.

CHAPTER 203

AN ACT concerning the wastewater management planning process.

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

1. The Legislature finds and declares that:
 - a. The “Water Quality Planning Act,” P.L.1977, c.75 (C.58:11A-1 et seq.) establishes a continuing water quality management planning process and requires that opportunities for meaningful public participation be provided during all phases of the process;
 - b. Pursuant to rules and regulations adopted by the Department of Environmental Protection, and subsequent revisions thereto, county wastewater management plans were required to be submitted to the department by April 7, 2011, or where a municipal government assumed responsibility from the county, by July 7, 2011;
 - c. The department’s rules and regulations also provide that, if a county or municipal government fails to submit a wastewater management plan in compliance with the applicable deadlines, wastewater service areas in wastewater management plans, and sewer service areas in water quality management plans where no wastewater management plan has been prepared, must be withdrawn;
 - d. In areas where wastewater service areas or sewer service areas are withdrawn, certain development projects and activities will be deemed inconsistent with the applicable water quality management plan, which could preclude the issuance of permits or approvals for development projects or activities by the department;
 - e. There may be unacceptable, adverse environmental and planning impacts from the non-discretionary and mandatory withdrawal of wastewater service areas, including sewer service areas;

f. The withdrawal of wastewater service areas, including sewer service areas, would have significant negative economic impacts in many areas of the State, which could intensify the current economic recession by delaying or precluding beneficial development projects and activities that generate jobs, act as sources of fee generating activities for sewerage treatment authorities and other public and private utilities, and act as a source of State tax and other revenues;

g. Site specific amendments or revisions to wastewater management plans and water quality management plans are sometimes required to allow environmentally sound development projects or activities to be deemed consistent with the applicable water quality management plan, so that the Department of Environmental Protection may issue permits and approvals for development projects or activities; and

h. It therefore is in the public interest that wastewater service areas, including sewer service areas, not be withdrawn except in conjunction with the promulgation of wastewater management plans prepared with appropriate public participation, and that the Department of Environmental Protection proceed with the timely review and approval of site specific amendments or revisions to wastewater management plans and water quality management plans.

2. As used in this act:

“Commissioner” means the Commissioner of Environmental Protection.

“Department” means the Department of Environmental Protection.

“Individual subsurface sewage disposal facility” means a system for the disposal of sanitary sewage into the ground, which is designed and constructed to treat sanitary sewage in a manner that will retain most of the settled solids in a septic tank and discharge the liquid effluent to a disposal field.

“Revision” means “revisions” as defined by the department’s Water Quality Management Planning rules at N.J.A.C.7:15-1.5.

“Sewer service area” means the land area identified in an areawide water quality management plan from which wastewater generated is designated to flow to a domestic treatment works or industrial treatment works.

“Site specific amendment” means an amendment to a wastewater management plan or a water quality management plan which permits a proposed development project or activity having a wastewater planning flow of less than 20,000 gallons per day, or being less than 100 acres in size, to become consistent with the applicable wastewater management plan or water quality management plan. A site specific amendment shall not include

amendments or changes to the Statewide Water Quality Management Plan or changes to incorporate a total maximum daily load.

“Wastewater management plan” means a written and graphic description of existing and future wastewater related jurisdictions, wastewater service areas, and selected environmental features and treatment works, and includes a wastewater management plan update.

“Wastewater management planning agency” means a governmental unit that has responsibility to prepare, submit, and periodically update a wastewater management plan pursuant to the department’s rules and regulations and provide comments on proposed amendments and revisions to the wastewater management plan.

“Wastewater service area” means a sewer service area, a general service area approved for wastewater facilities with planning flows of less than 20,000 gallons per day which discharge to groundwater, and a general service area for wastewater facilities with planning flows of less than 2,000 gallons per day which discharge to groundwater, as designated in any wastewater management plan or water quality management plan.

“Water quality management plan” means a plan prepared pursuant to sections 208 and 303 of the federal Clean Water Act of 1977, Pub.L.95-217, 33 U.S.C. s.1251 et seq., and the “Water Quality Planning Act,” P.L.1977, c.75 (C.58:11A-1 et seq.).

3. Notwithstanding any other law, or rule or regulation adopted pursuant thereto, to the contrary, any wastewater service area designation in a wastewater management plan, and any sewer service area designation in a portion of a water quality management plan where no wastewater management plan was ever prepared, shall not be withdrawn and shall remain in effect for 180 days after the date of enactment of this act or such longer time as the commissioner may determine.

4. Notwithstanding any other law, or rule or regulation adopted pursuant thereto, to the contrary, on or before the 180th day after the date of enactment of this act or such longer time as the commissioner may determine, each wastewater management planning agency, which has not submitted a wastewater management plan prior to the date of enactment of this act, shall prepare and submit to the department at least that portion of a wastewater management plan designating a sewer service area, which shall comply with the department’s regulatory criteria. The department may adopt the entire plan or a portion thereof, and upon adoption, the plan or portion thereof shall take effect. Any preexisting sewer service area designation or

wastewater service area designation shall remain in effect until such time as the department adopts the new plan or portion thereof establishing sewer service area designations or other wastewater service area designations, as the case may be.

5. The department, in consultation with the applicable wastewater management planning agency, may approve the inclusion of land within a sewer service area notwithstanding that existing treatment works may not currently have the assured capacity to treat wastewater from such land without infrastructure improvements or permit modifications.

6. a. Following submission of that portion of the wastewater management plan designating a sewer service area, pursuant to section 4 of this act, the department shall review any application submitted for a site specific amendment or revision to the wastewater management plan or water quality management plan.

b. An application for a site specific amendment or revision to a wastewater management plan or water quality management plan may be submitted by or on behalf of any party, including, but not limited to, any county, municipality or individual landowner.

c. The department may require an applicant for a site specific amendment or revision to a wastewater management plan or water quality management plan to submit to the department any additional documentation necessary to determine compliance with regulatory criteria. There shall be a presumption that an applicant shall not be required to submit engineered subdivision or site plans to the department, absent the existence of a demonstrated need therefor. If the department finds a demonstrated need that requires the submission of engineered subdivision or site plans, the department shall provide to the applicant, in writing, an explanation of the need and a detailed description thereof.

7. The department shall review an application for a site specific amendment to a wastewater management plan or water quality management plan located in a sewer service area in the following manner:

a. On or before the 60th day after receipt of an application for a site specific amendment to a wastewater management plan or water quality management plan, the department shall complete a review of the application for administrative and technical completeness. The application shall be deemed complete after the 60th day following the date of receipt by the department unless the department notifies the applicant in writing that addi-

tional information is required. Upon receipt of such additional information, the department shall complete its administrative and technical review, unless the department has advised the applicant in writing that deficiencies remain and that additional information is required.

b. Any application for a site specific amendment pending before the department on the effective date of this section shall be deemed complete, unless the department notifies the applicant in writing on or before the 60th day after the effective date of this section that additional information is required.

c. On or before the 180th day after an application for a site specific amendment is deemed complete, the department shall review the application for compliance with regulatory criteria. Notwithstanding the provisions of any law, or rule or regulation adopted pursuant thereto, to the contrary, upon a determination of compliance with regulatory criteria, the department shall publish notice of the application in the DEP Bulletin no more than 30 days after receipt of confirmation that the designated wastewater management planning agency is prepared to proceed to the public comment period portion of this process. Publication of notice in the DEP Bulletin shall be immediately followed by a 30-day public comment period on the application.

d. If any data, information, or arguments submitted during the public comment period or in response to a request for a written statement of consent appear to raise substantial new questions concerning a proposed plan amendment, the department may:

(1) reopen or extend the public comment period for not more than 30 additional days in order to provide interested persons opportunity to comment on the information or arguments submitted;

(2) request additional information from the applicant within 30 days after conclusion of the public comment period; or

(3) return the application for a site specific amendment to the applicant for any changes deemed by the department to be necessary and substantial. If based upon the return of the application by the department the applicant submits a revised application, the department shall review the revised application in the same manner as set forth in this section.

e. On or before the 65th day after the conclusion of the public comment period, or receipt of additional information from the applicant, or receipt of the wastewater management planning agency's final decision, or other required agency review, whichever comes later and as may be applicable, the department shall:

(1) adopt the amendment as proposed;

(2) adopt the proposed amendment with changes; or

(3) disapprove the proposed amendment.

f. The department and applicant may consent in writing to an extension of any time period established in this section.

g. The department shall publish notice of the final action on an application for a site specific amendment in the DEP Bulletin.

8. If a wastewater management planning agency submits only that portion of the wastewater management plan that provides for the designation of a sewer service area, the remaining lands shall be eligible for the installation of individual subsurface sewage disposal facilities in the following manner:

a. A proposed development or activity having a wastewater planning flow of greater than 8,000 gallons per day and less than 20,000 gallons per day that results in a discharge to groundwater shall be processed by the department as a site specific amendment, and may be approved if it meets the technical requirements for eligibility for a New Jersey Pollutant Discharge Elimination System Discharge to Groundwater permit issued pursuant to the "Water Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.) and rules and regulations adopted pursuant thereto.

b. A proposed development or activity having a wastewater planning flow of greater than 2,000 gallons per day and less than 8,000 gallons per day that results in a discharge to groundwater shall be processed by the department as a revision to the applicable wastewater management plan or water quality management plan, and may be approved if it meets the technical requirements for eligibility for a New Jersey Pollutant Discharge Elimination System Discharge to Groundwater permit issued pursuant to the "Water Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.) and rules and regulations adopted pursuant thereto.

c. The department shall approve, conditionally approve, or disapprove an application for a site specific amendment or revision pursuant to this section on or before the 90th day following the date that the application is deemed complete, provided, however, that this time period may be extended for 30 days by the mutual consent of the applicant and the department. If the department fails to take action on an application for a site specific amendment or revision pursuant to this section within the period specified in this subsection, the application shall be deemed approved.

9. Nothing in this act shall preclude a wastewater management planning agency from preparing and submitting, or the department from accepting, other portions of a wastewater management plan in addition to those

portions that provide for the designation of a sewer service area pursuant to the "Water Quality Planning Act," P.L.1977, c.75 (C.58:11A-1 et seq.).

10. Nothing in this act shall be construed to:

a. modify the provisions of the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.), or the comprehensive management plan for the pinelands area or any rule or regulation adopted pursuant to P.L.1979, c.111 and section 502 of the "National Parks and Recreation Act of 1978" (Pub.L. 95-625); or

b. apply to the revocation of designated sewer service areas and the expiration of any associated treatment works approvals in the impacted areas within the Highlands preservation area pursuant to section 42 of the "Highlands Water Protection and Planning Act," P.L.2004, c.120 (C.58:11A-7.1).

11. Sections 1 through 5 inclusive, and 9 and 10 of this act shall take effect immediately, and sections 6, 7, and 8 shall take effect on the 120th day after the date of enactment of this act; however, the Department of Environmental Protection may take such anticipatory actions as are necessary in advance of the effective date of sections 6, 7, and 8 to ensure the timely implementation of those sections on the effective date thereof. This act shall expire two years after the date of enactment.

Approved January 17, 2012.

CHAPTER 204

AN ACT concerning campaign contributions for candidates for elective public office, and amending P.L.2004, c.21.

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

1. Section 1 of P.L.2004, c.21 (C.19:44A-19.1) is amended to read as follows:

C.19:44A-19.1 Candidates for elective public office, solicitations on government property; prohibited, certain circumstances.

1. a. For the purposes of this section, the terms "contribution", "candidate", "candidate committee", and "joint candidates committee", shall have the meanings prescribed for those terms by section 3 of P.L.1973, c.83

(C.19:44A-3); and the term "property" means buildings used for the discharge of official government functions, business, duties, or purposes.

b. (1) No candidate for any elective public office, or any holder of that elective public office, or the candidate's agent or representative, while located on any property exclusively owned or leased by the State, or any agency of the State, or by any county, municipality, board of education of a school district, fire district, authority, or other State or local entity, district or instrumentality shall, directly or indirectly, solicit any contribution to or on behalf of any candidate for elective public office, or the candidate committee or joint candidates committee of any such candidate.

The provisions of this subsection shall not apply to any casual or inadvertent communication otherwise made in connection with, but without intent to solicit, such a contribution.

(2) No person, while located on any property exclusively owned or leased by the State, or any agency of the State, or by any county, municipality, board of education of a school district, fire district, authority, or other State or local entity, district or instrumentality shall, directly or indirectly, make any contribution to or on behalf of any candidate for elective public office, or the candidate committee or joint candidates committee of any such candidate.

c. Any candidate for elective public office, or any holder of that elective public office, or their agent or representative, or any person, who is determined by the Election Law Enforcement Commission to have violated this act shall be liable to a penalty of not less than \$5,000 for each violation. Any penalty imposed pursuant to this section may 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.).

d. In the event property exclusively owned or leased by the State, or any agency of the State, or by any county, municipality, board of education of a school district, fire district, authority, or other State or local entity, district or instrumentality or part thereof, is made available, through rent, reservation or otherwise, for the exclusive use of any group for a non-governmental purpose as a meeting location, the prohibition in subsection b. of this section shall not apply and the solicitation or making of contributions or funds of any nature from any or among or by the members of the group during the time the group is using the property made available as a meeting location is permitted.

e. The Election Law Enforcement Commission shall have the jurisdiction to enforce the provisions of this section for violations thereof on property exclusively owned or leased by the State, or any agency of the

State, or by any county, municipality, board of education of a school district, fire district, authority, or other State or local entity, district or instrumentality.

2. This act shall take effect immediately.

Approved January 17, 2012.

CHAPTER 205

AN ACT concerning the establishment of off-track wagering facilities and amending P.L.2001, c.199.

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

1. Section 4 of P.L.2001, c.199 (C.5:5-130) is amended to read as follows:

C.5:5-130 Issuance of license to permit off-track wagering; establishment of facilities.

4. a. The commission is authorized to issue a license to the authority to permit off-track wagering at a specified facility, upon application of the authority and in accordance with the provisions of this act. A license issued pursuant to this act shall be valid for a period of one year. The commission shall issue a license pursuant to this subsection only if the permit holder at Monmouth Park and the thoroughbred and standardbred permit holders at Meadowlands Racetrack schedule at least the minimum number of race dates required in section 30 of this act, P.L.2001, c.199 (C.5:5-156), and it is satisfied that the authority has entered into a participation agreement with each and every other person, partnership, association, corporation, or authority or the successor in interest to such person, partnership, association, corporation or authority that:

- (1) held a valid permit to hold or conduct a race horse meeting within this State in the calendar year 2000;
- (2) has complied with the terms of such permit; and
- (3) is in good standing with the commission and the State of New Jersey.

An off-track wagering license may not be transferred or assigned to a successor in interest without the approval of the commission and the Attorney General, which approval may not be unreasonably withheld.

b. (1) As part of the license application process, any participation agreement entered into for the purposes of subsection a. of this section, or any modification to the agreement made thereafter, shall be reviewed by the commission and the Attorney General to determine whether the agreement meets the requirements of this act and shall be subject to the approval of the commission and the Attorney General. Notwithstanding any other law, rule, or regulation to the contrary, a permit holder subject to a participation agreement entered into prior to the effective date of P.L.2011, c.26 shall have made progress since the signing of that agreement toward establishing the permit holder's share of the 15 off-track wagering facilities authorized pursuant to section 10 of P.L.2001, c.199 (C.5:5-136), provided that any facility that has not received a license under section 7 of P.L.2001, c.199 (C.5:5-133) on the effective date of this act, P.L.2011, c.205 shall be subject to a cash deposit, a bond, or an irrevocable letter of credit to be posted or deposited by the permit holder in the amount of \$1 million for each facility in the permit holder's share that remains to be licensed, which deposit shall be paid to the commission within 180 days of the effective date of this act, P.L.2011, c.205. A permit holder making a deposit or posting a bond, or irrevocable letter of credit, in connection with one or more of the off-track wagering facilities in the permit holder's share that remain to be established shall obtain the license and make substantial progress in the commission's judgment pursuant to the progress benchmarks issued by the commission and the New Jersey Economic Development Authority under subsection e. of this section toward establishing the off-track wagering facility or facilities within one-year of making the deposit, or posting the bond, or irrevocable letter of credit, and if so the deposit, bond, or irrevocable letter of credit shall be returned to the permit holder at the end of the one-year period, or the amount deposited or posted shall be forfeited and distributed by the commission to the representative horsemen's organization in this State for use in establishing an off-track wagering facility or facilities under paragraph (2) of this subsection. Any facility that has not been licensed on the effective date of this act, P.L.2011, c.205, and for which a deposit, bond, or irrevocable letter of credit is not made or posted, and any facility for which a deposit, bond, or irrevocable letter of credit is made or posted which has not been licensed and made progress toward establishment within one year of making such deposit or posting the bond, or irrevocable letter of credit, shall no longer be considered as part of the permit holder's share, and shall be available to be established by a horsemen's organization in this State as provided by paragraph (2) of this subsection. However, if the commission finds that a permit holder is making progress toward ob-

taining an off-track wagering license and establishing an off-track wagering facility according to specified benchmarks developed by the commission, the commission may allow a permit holder to retain its share of the off-track wagering facilities to be established, provided the permit holder continues to make progress on an annual basis. For the purposes of this section, a permit holder shall be deemed to have made progress toward establishing its share of off-track wagering facilities, and shall not be subject to a cash deposit or be required to post a bond or irrevocable letter of credit as set forth in this section, if it has entered into an agreement, in connection with good faith negotiations over the sale or lease of a racetrack under the permit holder's control, to transfer allocated off-track wagering licenses or facilities to an individual or entity that is a bona fide prospective purchaser or lessee, or has demonstrated to the satisfaction of the Commission that the execution of such an agreement is imminent based upon the portions of such an agreement agreed upon in principle by the parties as evidenced by a memorandum of understanding or similar accord, or has demonstrated to the satisfaction of the commission that negotiations concerning such an agreement have been unsuccessful and the permit holder has plans for soliciting new sources of interest or entering into new negotiations that, in the judgment of the commission, have a reasonable likelihood of resulting in a successful conclusion.

(2) The commission is authorized to issue a license or licenses to any horsemen's organization in this State, for the establishment of one or more of the remaining off-track wagering facilities in partnership with other horsemen's organizations in this State, the authority, or private investors, in accordance with all applicable provisions of the "Off-Track and Account Wagering Act," P.L.2001, c.199 (C.5:5-127 et seq.). Notwithstanding any provision of this paragraph to the contrary, a representative standardbred horsemen's organization shall have the right to establish the off-track wagering facilities not established by the permit holder at Freehold Raceway as provided under paragraph (1) of this subsection, and to receive any deposit, bond, or irrevocable letter of credit forfeited by that permit holder for the establishment of one or more of those off-track wagering facilities, except that if a representative standardbred horsemen's organization does not make application therefor, or fails to make progress in establishing the facility or facilities as provided herein, any amounts received shall be returned as provided in this paragraph and the facility or facilities shall be available to be established in accordance with subsection c. of this section. A horsemen's organization shall make progress on an annual basis in establishing an off-track wagering facility from the date the organization is eligible to apply for

an initial license pursuant to this subsection, provided that any facility that has not received a license under section 7 of P.L.2001, c.199 (C.5:5-133) within a reasonable timeframe from the date the horsemen's organization became eligible to apply for its initial license shall no longer be considered eligible to be established by a horsemen's organization under this paragraph, and shall be available to be established by a well-suited entity pursuant to subsection c. of this section. When a horsemen's organization under this paragraph has received the sum of \$1 million as provided under paragraph (1) of this subsection, the horsemen's organization shall have one year from the date the funds are allocated to it by the commission to obtain a license and make substantial progress in establishing the off-track wagering facility or facilities, provided that, if the horsemen's organization fails to make progress within that year, in the commission's judgment pursuant to the progress benchmarks issued by the commission and the New Jersey Economic Development Authority under subsection e. of this section, the horsemen's organization shall be liable to return to the commission the funds allocated to it in their entirety at the end of the one year period, and the commission shall return such funds to the permit holder originally making the deposit, or posting the bond or irrevocable letter of credit, to be used for capital improvements at the permit holder's racetrack.

c. With respect to any licenses that remain to be issued under paragraph (2) of subsection b. of this section, the commission is also authorized to issue a license to a well-suited entity to permit off-track wagering at a specified facility, upon application of the entity and in accordance with the provisions of this act and the provisions of section 14 of P.L.1940, c.17 (C.5:5-34). A license issued pursuant to this act shall be valid for a period of one year and, if the licensed entity is not a permit holder in this State, the license shall be contingent upon the licensee showing simulcast New Jersey races and allowing wagering thereon at the off-track wagering facility, subject to the rules and regulations of the commission, and shall be issued only if the permit holders schedule at least the minimum number of race dates required in section 30 of P.L.2001, c.199 (C.5:5-156). In assessing the qualifications of an entity to establish and conduct an off-track wagering facility, the commission shall apply substantially similar standards and criteria to those applied to the authority, its assignees, and other permit holders and licensees in the State. These standards and criteria shall enable the commission to determine by clear and convincing evidence in the opinion of the commission that the person or persons applying for licensure on behalf of the entity are well-suited to receive licensure, and shall include, but may not be limited to:

(1) proof of financial resources sufficient to enable the entity to establish and conduct a quality off-track wagering facility or facilities with appropriately staffed and managed operations;

(2) evidence of good character, honesty, competency and integrity;

(3) the absence of a conviction for a crime involving fraud, dishonesty or moral turpitude; and

(4) any additional standards and criteria the commission may establish by rule or regulation in accordance with this act.

d. (1) The commission, in consultation with the State Treasurer, shall develop a process by which the commission will accept bids for each off-track wagering license to be awarded under this act, P.L.2001, c.199. An off-track wagering licensee and an entity interested in establishing an off-track wagering facility and being licensed as an off-track wagering licensee shall be eligible to submit a bid. The bidding process shall include procedures for the establishment of a minimum bid threshold, for the selection of a successful bidder and, when the successful bidder is not yet licensed as an off-track wagering licensee, for the awarding of a bid to that successful bidder subject to its eligibility to be licensed as an off-track wagering licensee in compliance with the provisions of this act, P.L.2001, c.199. As part of the bidding process, and in addition to submitting a monetary bid, a bidder shall submit to the commission a conceptual plan of the off-track wagering facility the bidder intends to establish, which shall include, but may not be limited to, a description of the proposed facility and the amenities it would offer, and its proposed or intended location. In selecting a successful bidder, the commission shall consider and balance the following: (a) the monetary value of the bid in comparison to other bids submitted; (b) the level of quality of the proposed facility and amenities in striving to be a first-rate experience for the customer that includes the provision of first-class dining facilities; (c) the potential of the proposed facility and amenities to generate greater interest in the horse racing industry and the sport of horse racing in the State; and (d) the proximity of the bidder's proposed or intended location for the off-track wagering facility and its impact on other planned or existing off-track wagering facilities and racetracks in the State. For the purposes of this act, P.L.2001, c.199, a successful bid shall be conditional upon the successful bidder's compliance with all the provisions of this act, P.L.2001, c.199, and the applicable rules and regulations promulgated by the commission.

(2) The commission shall consider the amount of a successful bid pursuant to paragraph (1) of this subsection as a license fee in connection with the issuance of an initial license to an off-track wagering facility licensee. The initial license fee need not be uniform for all off-track wagering facility

licenses, and may vary depending on the results of the bidding process for each license. The proceeds generated by the initial license fee shall be distributed as follows: 50% to the New Jersey Thoroughbred Horsemen's Association for programs designed to aid the horsemen, and 50% to the Standardbred Breeders' and Owners' Association of New Jersey for programs designed to aid the horsemen.

e. The commission shall, in consultation with the New Jersey Economic Development Authority, develop progress benchmarks, within three months of the effective date of P.L.2011, c.26, for each off-track wagering licensee to follow for the timely and expeditious establishment of each off-track wagering facility. Such benchmarks shall provide that a permit holder shall be deemed to have made progress toward establishing its share of off-track wagering facilities if it has entered into an agreement, in connection with good faith negotiations over the sale or lease of a racetrack under the permit holder's control, to transfer allocated off-track wagering licenses or facilities to an individual or entity that is a bona fide prospective purchaser or lessee, or has demonstrated to the satisfaction of the Commission that the execution of such an agreement is imminent based upon the portions of such an agreement agreed upon in principle by the parties as evidenced by a memorandum of understanding or similar accord, or has demonstrated to the satisfaction of the commission that negotiations concerning such an agreement have been unsuccessful and the permit holder has plans for soliciting new sources of interest or entering into new negotiations that, in the judgment of the commission, have a reasonable likelihood of resulting in a successful conclusion. The failure of a licensee to meet the benchmarks shall constitute a basis for the denial by the commission of the renewal of the off-track wagering license, except that the licensee shall have the right to appeal the commission's decision.

2. This act shall take effect immediately and shall be retroactive to December 31, 2011.

Approved January 17, 2012.

CHAPTER 206

AN ACT concerning extended unemployment benefits and amending P.L.1970, c.324.

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

1. Section 5 of P.L.1970, c.324 (C.43:21-24.11) is amended to read as follows:

C.43:21-24.11 Definitions.

5. For the purposes of the extended benefit program and as used in this act, unless the context clearly requires otherwise:

a. "Extended benefit period" means a period which

(1) Begins with the third week after a week for which there is a state "on" indicator; and

(2) Ends with either of the following weeks, whichever occurs later:

(a) The third week after the first week for which there is a state "off" indicator; or

(b) The thirteenth consecutive week of such period; provided, that no extended benefit period may begin by reason of a state "on" indicator before the fourteenth week after the close of a prior extended benefit period which was in effect with respect to this State; and provided further, that no extended benefit period may become effective in this State prior to the effective date of this act.

b. (Deleted by amendment.)

c. (Deleted by amendment.)

d. There is a "state 'on' indicator" for this State for a week if:

(1) The division determines, in accordance with the regulations of the United States Secretary of Labor, that for the period consisting of the respective week and the immediately preceding 12 weeks, the rate of insured unemployment (not seasonally adjusted) under the "unemployment compensation law" (R.S.43:21-1 et seq.):

(a) Equalled or exceeded 120% of the average of these rates for the corresponding 13-week period during each of the preceding 2 calendar years, and, for weeks beginning after September 25, 1982, equalled or exceeded 5%; or

(b) With respect to benefits for weeks of unemployment beginning after September 25, 1982, equalled or exceeded 6%; or

(2) With respect to any week of unemployment beginning after December 27, 2003, except for any week of unemployment which occurs during the time period referenced in paragraph (3) of this subsection d., the average seasonally adjusted rate of total unemployment in the State, as determined by the United States Secretary of Labor for the most recent three-month period for which data for all states are published:

(a) Equals or exceeds 6.5%; and

(b) Equals or exceeds 110% of the average seasonally adjusted rate of total unemployment in the State during either or both of the corresponding three-month periods ending in the two preceding calendar years; or

(3) With respect to any week of unemployment beginning after March 31, 2011 and ending on or before the earlier of the latest date permitted under federal law or the end of the fourth week prior to the last week for which federal sharing is provided, as authorized by section 2005(a) of Pub.L.111-5, the average seasonally adjusted rate of total unemployment in the State, as determined by the United States Secretary of Labor for the most recent three-month period for which data for all states are published:

(a) Equals or exceeds 6.5%; and

(b) Equals or exceeds 110% of the average seasonally adjusted rate of total unemployment in the State during any one of the corresponding three-month periods ending in the three preceding calendar years.

e. There is a "state 'off' indicator" for this State for a week if:

(1) The division determines, in accordance with the regulations of the United States Secretary of Labor, that for the period consisting of the respective week and the immediately preceding 12 weeks, paragraph (1) of subsection d. was not satisfied; and

(2) With respect to any week of unemployment beginning after December 27, 2003 and before April 1, 2011 or after the earlier of the latest date permitted under federal law or the end of the fourth week prior to the last week for which federal sharing is provided, as authorized by section 2005(a) of Pub.L.111-5, as determined by the United States Secretary of Labor for the most recent three-month period for which data for all states are published, paragraph (2) of subsection d. was not satisfied.

f. "Rate of insured unemployment," for purposes of subsections d. and e. means the percentage derived by dividing

(1) The average weekly number of individuals filing claims for regular benefits in this State for weeks of unemployment with respect to the most recent 13-consecutive-week period, as determined by the division on the basis of its reports to the United States Secretary of Labor, by

(2) The average monthly covered employment for the specified period.

g. "Regular benefits" means benefits payable to an individual under the "unemployment compensation law" (R.S.43:21-1 et seq.) or under any other State law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C.s.8501 et seq.) other than extended benefits.

h. "Extended benefits" means benefits (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C.

s.8501 et seq.) payable to an individual under the provisions of this act for weeks of unemployment in his eligibility period.

i. "Eligibility period" of an individual means the period consisting of the weeks in his benefit year which begin in an extended benefit period and, if his benefit year ends within the extended benefit period, any weeks thereafter which begin in the period.

j. "Exhaustee" means an individual who, with respect to any week of unemployment in his eligibility period:

(1) Has received prior to the week, all of the regular benefits that were available to him under the "unemployment compensation law" (R.S.43:21-1 et seq.) or any other State law (including dependents' allowances and benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C.s.8501 et seq.) in his current benefit year that includes such week, provided, that for the purposes of this paragraph, an individual shall be deemed to have received all of the regular benefits that were available to him, although as a result of a pending appeal with respect to wages and/or employment that were not considered in the original monetary determination in his benefit year, he may subsequently be determined to be entitled to added regular benefits; or

(2) His benefit year having expired prior to such week, has no, or insufficient, wages and/or employment on the basis of which he could establish a new benefit year that would include such week; and

(3) (a) has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, the Automotive Products Trade Act of 1965 and such other federal laws as are specified in regulations issued by the United States Secretary of Labor; and

(b) has not received and is not seeking unemployment benefits under the Unemployment Compensation Law of Canada; but if he is seeking these benefits and the appropriate agency finally determines that he is not entitled to benefits under that law he is considered an exhaustee if the other provisions of this definition are met.

k. "State law" means the unemployment insurance law of any state approved by the United States Secretary of Labor under section 3304 of the Internal Revenue Code of 1986, 26 U.S.C.s.3304.

l. "High unemployment period" means:

(1) Any period beginning after December 27, 2003, except for any week of unemployment which occurs during the time period referenced in paragraph (2) of this subsection l., during which the average seasonally adjusted rate of total unemployment in the State, as determined by the United

States Secretary of Labor for the most recent three-month period for which data for all states are published:

- (a) Equals or exceeds 8%; and
- (b) Equals or exceeds 110% of the average seasonally adjusted rate of total unemployment in the State during either or both of the corresponding three-month periods ending in the two preceding calendar years: or

(2) Any period beginning after March 31, 2011, and ending before the earlier of the latest date permitted under federal law or the end of the fourth week prior to the last week for which federal sharing is provided, as authorized by section 2005(a) of Pub.L. 111-5, during which the average seasonally adjusted rate of total unemployment in the State, as determined by the United States Secretary of Labor for the most recent three-month period for which data for all states are published:

- (a) Equals or exceeds 8%; and
- (b) Equals or exceeds 110% of the average seasonally adjusted rate of total unemployment in the State during any one of the corresponding three-month periods ending in the three preceding calendar years.

2. This act shall take effect immediately and shall be retroactive to December 3, 2011.

Approved January 17, 2012.

CHAPTER 207

AN ACT concerning certain winery licenses and amending R.S.33:1-10 and supplementing Title 33 of the Revised Statutes.

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

1. R.S.33:1-10 is amended to read as follows:

Class A licenses; subdivisions; fees.

33:1-10. Class A licenses shall be subdivided and classified as follows:

Plenary brewery license. 1a. The holder of this license shall be entitled, subject to rules and regulations, to brew any malt alcoholic beverages and to sell and distribute his products to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any

persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The fee for this license shall be \$10,625.

Limited brewery license. 1b. The holder of this license shall be entitled, subject to rules and regulations, to brew any malt alcoholic beverages in a quantity to be expressed in said license, dependent upon the following fees and not in excess of 300,000 barrels of 31 fluid gallons capacity per year and to sell and distribute this product to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The fee for this license shall be graduated as follows: to so brew not more than 50,000 barrels of 31 fluid gallons capacity per annum, \$1,250; to so brew not more than 100,000 barrels of 31 fluid gallons capacity per annum, \$2,500; to so brew not more than 200,000 barrels of 31 fluid gallons capacity per annum, \$5,000; to so brew not more than 300,000 barrels of 31 fluid gallons capacity per annum, \$7,500.

Restricted brewery license. 1c. The holder of this license shall be entitled, subject to rules and regulations, to brew any malt alcoholic beverages in a quantity to be expressed in such license not in excess of 3,000 barrels of 31 fluid gallons capacity per year. Notwithstanding the provisions of R.S.33:1-26, the director shall issue a restricted brewery license only to a person or an entity which has identical ownership to an entity which holds a plenary retail consumption license issued pursuant to R.S.33:1-12, provided that such plenary retail consumption license is operated in conjunction with a restaurant regularly and principally used for the purpose of providing meals to its customers and having adequate kitchen and dining room facilities, and that the licensed restaurant premises is immediately adjoining the premises licensed as a restricted brewery. The holder of this license shall only be entitled to sell or deliver the product to that restaurant premises. The fee for this license shall be \$1,250, which fee shall entitle the holder to brew up to 1,000 barrels of 31 fluid gallons per annum. The licensee also shall pay an additional \$625 for every additional 1,000 barrels of 31 fluid gallons produced. No more than two restricted brewery licenses shall be issued to a person or entity which holds an interest in a plenary retail consumption license. If the governing body of the municipality in which the licensed premises will be located should file a written objection, the director shall hold a hearing and may issue the license only if the director finds that the issuance of the license will not be contrary to the public interest. All fees related to the issuance of both licenses shall be paid in accordance with statutory law.

Plenary winery license. 2a. Provided that the holder is engaged in growing and cultivating grapes or fruit used in the production of wine on at

least three acres on, or adjacent to, the winery premises, the holder of this license shall be entitled, subject to rules and regulations, to produce any fermented wines, and to blend, fortify and treat wines, and to sell and distribute his products to wholesalers licensed in accordance with this chapter and to churches for religious purposes, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse, and to sell his products at retail to consumers on the licensed premises of the winery for consumption on or off the premises and to offer samples for sampling purposes only. The fee for this license shall be \$938. A holder of this license who produces not more than 250,000 gallons per year shall also have the right to sell and distribute his products to retailers licensed in accordance with this chapter, except that the holder of this license shall not use a common carrier for such distribution. The fee for this additional privilege shall be graduated as follows: a licensee who manufactures more than 150,000 gallons, but not in excess of 250,000 gallons per annum, \$1,000; a licensee who manufactures more than 100,000 gallons, but not in excess of 150,000 gallons per annum, \$500; a licensee who manufactures more than 50,000 gallons, but not in excess of 100,000 gallons per annum, \$250; a licensee who manufactures 50,000 gallons or less per annum, \$100. A holder of this license who produces not more than 250,000 gallons per year shall have the right to sell such wine at retail in original packages in 15 salesrooms apart from the winery premises for consumption on or off the premises and for sampling purposes for consumption on the premises, at a fee of \$250 for each salesroom. Licensees shall not jointly control and operate salesrooms. Additionally, the holder of this license who produces not more than 250,000 gallons per year may ship not more than 12 cases of wine per year, subject to regulation, to any person within or without this State over 21 years of age for personal consumption and not for resale. A case of wine shall not exceed a maximum of nine liters. A copy of the original invoice shall be available for inspection by persons authorized to enforce the alcoholic beverage laws of this State for a minimum period of three years at the licensed premises of the winery. For the purposes of this subsection, "sampling" means the selling at a nominal charge or the gratuitous offering of an open container not exceeding one and one-half ounces of any wine.

A holder of this license who produces not more than 250,000 gallons per year shall not own, either in whole or in part, or hold, either directly or indirectly, any interest in a winery that produces more than 250,000 gallons per year. In addition, a holder of this license who produces more than 250,000 gallons per year shall not own, either in whole or in part, or hold,

either directly or indirectly, any interest in a winery that produces not more than 250,000 gallons per year.

For the purposes of this subsection, "product" means any wine that is produced, blended, fortified, or treated by the licensee on its licensed premises situated in the State of New Jersey.

Farm winery license. 2b. The holder of this license shall be entitled, subject to rules and regulations, to manufacture any fermented wines and fruit juices in a quantity to be expressed in said license, dependent upon the following fees and not in excess of 50,000 gallons per year and to sell and distribute his products to wholesalers and retailers licensed in accordance with this chapter and to churches for religious purposes and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse and to sell at retail to consumers for consumption on or off the licensed premises and to offer samples for sampling purposes only. The license shall be issued only when the winery at which such fermented wines and fruit juices are manufactured is located and constructed upon a tract of land exclusively under the control of the licensee, provided that the licensee is actively engaged in growing and cultivating an area of not less than three acres on or adjacent to the winery premises and on which are growing grape vines or fruit to be processed into wine or fruit juice; and provided, further, that for the first five years of the operation of the winery such fermented wines and fruit juices shall be manufactured from at least 51% grapes or fruit grown in the State and that thereafter they shall be manufactured from grapes or fruit grown in this State at least to the extent required for labeling as "New Jersey Wine" under the applicable federal laws and regulations. The containers of all wine sold to consumers by such licensee shall have affixed a label stating such information as shall be required by the rules and regulations of the Director of the Division of Alcoholic Beverage Control. The fee for this license shall be graduated as follows: to so manufacture between 30,000 and 50,000 gallons per annum, \$375; to so manufacture between 2,500 and 30,000 gallons per annum, \$250; to so manufacture between 1,000 and 2,500 gallons per annum, \$125; to so manufacture less than 1,000 gallons per annum, \$63. No farm winery license shall be held by the holder of a plenary winery license or be situated on a premises licensed as a plenary winery.

The holder of this license shall also have the right to sell and distribute his products to retailers licensed in accordance with this chapter, except that the holder of this license shall not use a common carrier for such distribution. The fee for this additional privilege shall be \$100. The holder of this

license shall have the right to sell his products in original packages at retail to consumers in 15 salesrooms apart from the winery premises for consumption on or off the premises, and for sampling purposes for consumption on the premises, at a fee of \$250 for each salesroom. Licensees shall not jointly control and operate salesrooms. Additionally, the holder of this license may ship not more than 12 cases of wine per year, subject to regulation, to any person within or without this State over 21 years of age for personal consumption and not for resale. A case of wine shall not exceed a maximum of nine liters. A copy of the original invoice shall be available for inspection by persons authorized to enforce the alcoholic beverage laws of this State for a minimum period of three years at the licensed premises of the winery. For the purposes of this subsection, "sampling" means the selling at a nominal charge or the gratuitous offering of an open container not exceeding one and one-half ounces of any wine.

A holder of this license who produces not more than 250,000 gallons per year shall not own, either in whole or in part, or hold, either directly or indirectly, any interest in a winery that produces more than 250,000 gallons per year.

Unless otherwise indicated, for the purposes of this subsection, with respect to farm winery licenses, "manufacture" means the vinification, aging, storage, blending, clarification, stabilization and bottling of wine or juice from New Jersey fruit to the extent required by this subsection.

Wine blending license. 2c. The holder of this license shall be entitled, subject to rules and regulations, to blend, treat, mix, and bottle fermented wines and fruit juices with non-alcoholic beverages, and to sell and distribute his products to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The fee for this license shall be \$625.

Instructional winemaking facility license. 2d. The holder of this license shall be entitled, subject to rules and regulations, to instruct persons in and provide them with the opportunity to participate directly in the process of winemaking and to directly assist such persons in the process of winemaking while in the process of instruction on the premises of the facility. The holder of this license also shall be entitled to manufacture wine on the premises not in excess of an amount of 10% of the wine produced annually on the premises of the facility, which shall be used only to replace quantities lost or discarded during the winemaking process, to maintain a warehouse, and to offer samples produced by persons who have received instruction in winemaking on the premises by the licensee for sampling purposes only on

the licensed premises for the purpose of promoting winemaking for personal or household use or consumption. Wine produced on the premises of an instructional winemaking facility shall be used, consumed or disposed of on the facility's premises or distributed from the facility's premises to a person who has participated directly in the process of winemaking for the person's personal or household use or consumption. The holder of this license may sell mercantile items traditionally associated with winemaking and novelty wearing apparel identified with the name of the establishment licensed under the provisions of this section. The holder of this license may use the licensed premises for an event or affair, including an event or affair at which a plenary retail consumption licensee serves alcoholic beverages in compliance with all applicable statutes and regulations promulgated by the director. The fee for this license shall be \$1,000. For the purposes of this subsection, "sampling" means the gratuitous offering of an open container not exceeding one and one-half ounces of any wine.

Out-of-State winery license. 2e. Provided that the applicant does not produce more than 250,000 gallons of wine per year, the holder of a valid winery license issued in any other state may make application to the director for this license. The holder of this license shall have the right to sell and distribute his products to wholesalers licensed in accordance with this chapter and to sell such wine at retail in original packages in 16 salesrooms apart from the winery premises for consumption on or off the premises at a fee of \$250 for each salesroom. Licensees shall not jointly control and operate salesrooms. The annual fee for this license shall be \$938. A copy of a current license issued by another state shall accompany the application. The holder of this license also shall have the right to sell and distribute his products to retailers licensed in accordance with this chapter, except that the holder of this license shall not use a common carrier for such distribution. The fee for this additional privilege shall be graduated as follows: a licensee who manufactures more than 150,000 gallons, but not in excess of 250,000 gallons per annum, \$1,000; a licensee who manufactures more than 100,000 gallons, but not in excess of 150,000 gallons per annum, \$500; a licensee who manufactures more than 50,000 gallons, but not in excess of 100,000 gallons per annum, \$250; a licensee who manufactures 50,000 gallons or less per annum, \$100. Additionally, the holder of this license may ship not more than 12 cases of wine per year, subject to regulation, to any person within or without this State over 21 years of age for personal consumption and not for resale. A case of wine shall not exceed a maximum of nine liters. A copy of the original invoice shall be available for inspection by per-

sons authorized to enforce the alcoholic beverage laws of this State for a minimum period of three years at the licensed premises of the winery.

The licensee shall collect from the customer the tax due on the sale pursuant to the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.) and shall pay the tax due on the delivery of alcoholic beverages pursuant to the "Alcoholic beverage tax law," R.S.54:41-1 et seq. The Director of the Division of Taxation in the Department of the Treasury shall promulgate such rules and regulations necessary to effectuate the provisions of this paragraph, and may provide by regulation for the co-administration of the tax due on the delivery of alcoholic beverages pursuant to the "Alcoholic beverage tax law," R.S.54:41-1 et seq. with the administration of the tax due on the sale pursuant to the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.).

A holder of this license who produces not more than 250,000 gallons per year shall not own, either in whole or in part, or hold, either directly or indirectly, any interest in a winery that produces more than 250,000 gallons per year.

Plenary distillery license. 3a. The holder of this license shall be entitled, subject to rules and regulations, to manufacture any distilled alcoholic beverages and rectify, blend, treat and mix, and to sell and distribute his products to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The fee for this license shall be \$12,500.

Limited distillery license. 3b. The holder of this license shall be entitled, subject to rules and regulations, to manufacture and bottle any alcoholic beverages distilled from fruit juices and rectify, blend, treat, mix, compound with wine and add necessary sweetening and flavor to make cordial or liqueur, and to sell and distribute to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution and to warehouse these products. The fee for this license shall be \$3,750.

Supplementary limited distillery license. 3c. The holder of this license shall be entitled, subject to rules and regulations, to bottle and rebottle, in a quantity to be expressed in said license, dependent upon the following fees, alcoholic beverages distilled from fruit juices by such holder pursuant to a prior plenary or limited distillery license, and to sell and distribute his products to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The fee for this license shall be graduated as follows: to so bottle

and rebottle not more than 5,000 wine gallons per annum, \$313; to so bottle and rebottle not more than 10,000 wine gallons per annum, \$625; to so bottle and rebottle without limit as to amount, \$1,250.

Rectifier and blender license. 4. The holder of this license shall be entitled, subject to rules and regulations, to rectify, blend, treat and mix distilled alcoholic beverages, and to fortify, blend, and treat fermented alcoholic beverages, and prepare mixtures of alcoholic beverages, and to sell and distribute his products to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The fee for this license shall be \$7,500.

Bonded warehouse bottling license. 5. The holder of this license shall be entitled, subject to rules and regulations, to bottle alcoholic beverages in bond on behalf of all persons authorized by federal and State law and regulations to withdraw alcoholic beverages from bond. The fee for this license shall be \$625. This license shall be issued only to persons holding permits to operate Internal Revenue bonded warehouses pursuant to the laws of the United States.

The provisions of section 21 of P.L.2003, c.117 amendatory of this section shall apply to licenses issued or transferred on or after July 1, 2003, and to license renewals commencing on or after July 1, 2003.

C.33:1-10.1 Taxes collected, paid.

2. The taxes collected and paid pursuant to the licenses issued pursuant to R.S.33:1-10 shall be governed by the provisions of the "State Uniform Tax Procedure Law," R.S.54:48-1 et seq., including the tax clearance and license suspension provisions of section 5 of P.L.2004, c.58 (C.54:50-26.3).

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

Approved January 17, 2012.

CHAPTER 208

AN ACT concerning the treatment of Huntington's Disease 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-18h Specialized care facilities for Huntington's Disease; rules, regulations.

1. a. The Commissioner of Health and Senior Services may issue a nursing facility license for a facility that provides care for Huntington's Disease.

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

2. This act shall take effect immediately.

Approved January 17, 2012.

CHAPTER 209

AN ACT concerning the unauthorized practice of law and amending various parts of the statutory law and supplementing Title 2C of the New Jersey Statutes.

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

1. Section 1 of P.L.1994, c.47 (C.2C:21-22) is amended to read as follows:

C.2C:21-22 Unauthorized practice of law, penalties.

1. a. A person is guilty of a crime of the fourth degree if the person knowingly engages in the unauthorized practice of law.

b. A person is guilty of a crime of the third degree if the person knowingly engages in the unauthorized practice of law and:

(1) Creates or reinforces a false impression that the person is licensed to engage in the practice of law; or

(2) Derives a benefit; or

(3) In fact causes injury to another.

c. For the purposes of this section, the phrase "in fact" indicates strict liability.

C.2C:21-22a Civil actions resulting from the unauthorized practice of law.

2. a. Any person who suffers any ascertainable loss of moneys or property, real or personal, as a result of any action or inaction by a person who knowingly engaged in the unauthorized practice of law in violation of sec-

tion 1 of P.L.1994, c.47 (C.2C:21-22) may bring a civil action in any court of competent jurisdiction.

b. In any civil action under this section the court shall, in addition to any other appropriate legal or equitable relief, award damages in an amount that constitutes the greater of:

(1) \$1,000, or

(2) Three times the value of all costs incurred by the victim as a result of the defendant's criminal activity, including any fees paid to the defendant for services, costs incurred for attorneys' fees, court costs and any out-of-pocket losses.

c. The standard of proof in civil actions brought under this section is a preponderance of the evidence, and the fact that a prosecution for a violation of section 1 of P.L.1994, c.47 (C.2C:21-22) is not instituted or, where instituted, terminates without a conviction shall not preclude a civil action pursuant to this section. A final judgment rendered in favor of the State in any criminal proceeding shall estop the defendant from denying the same conduct in any civil action brought pursuant to this section.

d. A civil action under this section shall not preclude the application of any other civil, administrative, or criminal remedy under any other provision of law.

3. Section 1 of P.L.1997, c.1 (C.2C:21-31) is amended to read as follows:

C.2C:21-31 Unauthorized practice of immigration law; penalties.

1. a. As used in this section:

(1) "Immigration consultant" means any person rendering services for a fee, including the completion of forms and applications, to another person in furtherance of that person's desire to determine or modify his status in an immigration or naturalization matter under federal law.

(2) "Immigration or naturalization matter" means any matter which involves any law, action, filing or proceeding related to a person's immigration or citizenship status in the United States.

(3) "Immigration-related document" means any birth certificate or marriage certificate; any document issued by the government of the United States, any foreign country, any state, or any other public entity relating to a person's immigration or naturalization status.

b. (1) Any immigration consultant not licensed as an attorney or counselor at law who engages in this State in the practice of law is guilty of a crime of the fourth degree.

(2) Any immigration consultant not licensed as an attorney or counselor at law who holds himself out to the public, either alone or together with, by or through another person, whether such other person is licensed as an attorney or counselor at law or not, as engaging in or entitled to engage in the practice of law, or as rendering legal service or advice, or as furnishing attorneys or counsel, in any immigration or naturalization matter is guilty of a crime of the third degree.

(3) Any immigration consultant not licensed as an attorney or counselor at law who assumes, uses or advertises the title of lawyer or attorney at law, or equivalent terms, in the English language or any other language, is guilty of a crime of the third degree.

c. Any person who knowingly retains possession of another person's immigration-related document for more than a reasonable time after the person who owns the document has submitted a written request for the document's return is guilty of a crime of the fourth degree.

d. Nothing in this section shall be construed to prohibit a person accredited as a representative by federal law pursuant to 8 CFR 292.2 from providing immigration services.

C.2C:21-31.1 Civil actions resulting from unauthorized practice of immigration law.

4. a. Any person who suffers any ascertainable loss of moneys or property, real or personal, as a result of any action or inaction by a person who knowingly engaged in the unauthorized practice of law in violation of section 1 of P.L.1997, c.1 (C.2C:21-31) may bring a civil action in any court of competent jurisdiction.

b. In any civil action under this section the court shall, in addition to any other appropriate legal or equitable relief, award damages in an amount that constitutes the greater of:

(1) \$1,000, or

(2) Three times the value of all costs incurred by the victim as a result of the defendant's criminal activity, including any fees paid to the defendant for services, costs incurred for attorneys' fees, court costs and any out-of-pocket losses.

c. The standard of proof in civil actions brought under this section is a preponderance of the evidence, and the fact that a prosecution for a violation of section 1 of P.L.1997, c.1 (C.2C:21-31) is not instituted or, where instituted, terminates without a conviction shall not preclude a civil action pursuant to this section. A final judgment rendered in favor of the State in any criminal proceeding shall estop the defendant from denying the same conduct in any civil action brought pursuant to this section.

d. A civil action under this section shall not preclude the application of any other civil, administrative, or criminal remedy under any other provision of law.

5. Section 1 of P.L.1981, c.487 (C.52:7-20) is amended to read as follows:

C.52:7-20 Offenses resulting in non-appointment, no reappointment of notary public.

1. No person shall be appointed or reappointed a notary public if he has been convicted under the laws of this State of an offense involving dishonesty, including but not limited to a violation of section 1 of P.L.1997, c.1 (C.2C:21-31) or section 1 of P.L.1994, c.47 (C.2C:21-22), or of a crime of the second degree or above, but nothing in this section shall be deemed to supersede P.L.1968, c. 282 (C.2A:168A-1 et seq.).

6. This act shall take effect immediately.

Approved January 17, 2012.

CHAPTER 210

AN ACT concerning insurance coverage for, and the provision of information about, sickle cell anemia, and supplementing Titles 17 and 26 of the Revised Statutes and Title 17B of the New Jersey Statutes.

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

C.17:48-6kk Hospital service corporation to provide coverage for sickle cell anemia.

1. Every 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 medical expenses incurred by a covered person for the treatment of sickle cell anemia and, if the contract provides benefits for expenses incurred in the purchase of outpatient prescription drugs, then the contract shall provide coverage for prescription drug expenses incurred by a covered person for the treatment of sickle cell anemia.

The benefits shall be provided to the same extent as for any other medical condition under the contract.

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

C.17:48A-7hh Medical service corporation to provide coverage for sickle cell anemia.

2. Every 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 medical expenses incurred by a covered person for the treatment of sickle cell anemia and, if the contract provides benefits for expenses incurred in the purchase of outpatient prescription drugs, then the contract shall provide coverage for prescription drug expenses incurred by a covered person for the treatment of sickle cell anemia.

The benefits shall be provided to the same extent as for any other medical condition under the contract.

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

C.17:48E-35.35 Health service corporation to provide coverage for sickle cell anemia.

3. Every 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 medical expenses incurred by a covered person for the treatment of sickle cell anemia and, if the contract provides benefits for expenses incurred in the purchase of outpatient prescription drugs, then the contract shall provide coverage for prescription drug expenses incurred by a covered person for the treatment of sickle cell anemia.

The benefits shall be provided to the same extent as for any other medical condition under the contract.

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

C.17B:27-46.1kk Group health insurance policy to provide coverage for sickle cell anemia.

4. Every 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 medical expenses incurred by a covered person for the treatment of sickle cell anemia and, if the policy provides benefits for expenses incurred in the purchase of outpatient prescription drugs, then the policy shall provide coverage for prescription drug expenses incurred by a covered person for the treatment of sickle cell anemia.

The benefits shall be provided to the same extent as for any other medical condition under the policy.

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

C.17B:26-2.1ee Individual health insurance policy to provide coverage for sickle cell anemia.

5. Every 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 medical expenses incurred by a covered person for the treatment of sickle cell anemia and, if the policy provides benefits for expenses incurred in the purchase of outpatient prescription drugs, then the policy shall provide coverage for prescription drug expenses incurred by a covered person for the treatment of sickle cell anemia.

The benefits shall be provided to the same extent as for any other medical condition under the policy.

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

C.26:2J-4.36 HMO to provide coverage for sickle cell anemia.

6. Every health maintenance organization contract that provides health care services and is delivered, issued, executed, or renewed in this State pursuant to P.L.1973, c.337 (C.26:2J-1 et seq.), or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, shall provide health care ser-

vices to an enrollee for the medical treatment of sickle cell anemia and, if the contract provides health care services for outpatient prescription drugs, then the contract shall provide health care services to an enrollee for prescription drugs for the treatment of sickle cell anemia.

The health care services shall be provided to the same extent as for any other medical condition under the contract.

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

C.17B:27A-7.18 Individual health benefits plan to provide coverage for sickle cell anemia.

7. Every individual health benefits plan that provides hospital and medical expense benefits and is delivered, issued, executed, or renewed in this State pursuant to P.L.1992, c.161 (C.17B:27A-2 et seq.), or approved for issuance or renewal in this State, on or after the effective date of this act, shall provide coverage for medical expenses incurred by a covered person for the treatment of sickle cell anemia and, if the plan provides benefits for expenses incurred in the purchase of outpatient prescription drugs, then the plan shall provide coverage for prescription drug expenses incurred by a covered person for the treatment of sickle cell anemia.

The benefits shall be provided to the same extent as for any other medical condition under the health benefits plan.

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

C.17B:27A-19.22 Small employer health benefits plan to provide coverage for sickle cell anemia.

8. Every small employer health benefits plan that provides hospital and medical expense benefits and is delivered, issued, executed, or renewed in this State pursuant to P.L.1992, c.162 (C.17B:27A-17 et seq.), or approved for issuance or renewal in this State, on or after the effective date of this act, shall provide coverage for medical expenses incurred by a covered person for the treatment of sickle cell anemia and, if the plan provides benefits for expenses incurred in the purchase of outpatient prescription drugs, then the plan shall provide coverage for prescription drug expenses incurred by a covered person for the treatment of sickle cell anemia.

The benefits shall be provided to the same extent as for any other medical condition under the health benefits plan.

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

C.26:5B-5 Findings, declarations relative to sickle cell anemia.

9. The Legislature finds and declares that:
 - a. Sickle cell anemia is an inherited blood disorder characterized primarily by chronic anemia and periodic episodes of pain;
 - b. The clinical course of sickle cell anemia does not follow a single pattern, for the symptoms can range from mild to very severe;
 - c. Sickle cell anemia affects millions of people throughout the world but in this country affects approximately 72,000 people, according to the National Heart, Lung, and Blood Institute, most of whom are African-Americans and Hispanic-Americans of Caribbean ancestry;
 - d. Approximately two million Americans, or one in 12 African-Americans, carry the sickle cell trait; and the disease occurs in approximately one in 500 African-Americans and one in every 1,000-1,400 Hispanic-Americans;
 - e. All newborn infants born in New Jersey and in most other states are screened for sickle cell anemia; however, there is currently no known means of prevention or cure for the disease, although promising new methods of treatment have emerged from clinical studies in recent years, including drug therapy, bone marrow transplants from matched siblings, and umbilical cord blood transplants; and
 - f. There is a widespread need for information among those populations who are at greatest risk for carrying the sickle cell trait about the genetic risk factors associated with sickle cell anemia and the symptoms and treatment of the disease.

C.26:5B-6 Availability of information about sickle cell anemia.

10. a. The Department of Health and Senior Services, in consultation with the Medical Society of New Jersey and the University of Medicine and Dentistry of New Jersey, shall prepare, and make available on its Internet website, information in English and Spanish, which is designed to be easily understandable by the general public, about the genetic risk factors associated with, and the symptoms and treatment of, sickle cell anemia, in addition to any other information that the Commissioner of Health and Senior Services deems necessary for the purposes of this act. The department shall revise this information whenever new information about sickle cell anemia becomes available.
- b. The department shall prepare an informational booklet in English and Spanish that contains the information posted on its website pursuant to subsection a. of this section, as funds become available for that purpose. The department shall make a supply of booklets available to all licensed health care facilities engaged in the diagnosis or treatment of sickle cell

anemia, as well as to health care professionals, community health centers, members of the public, and social services agencies upon their request.

11. Sections 9 and 10 of this act shall take effect immediately, and sections 1 through 8 shall take effect on the first day of the fourth month next following the date of enactment and shall apply to policies or contracts issued or renewed on or after the effective date.

Approved January 17, 2012.

CHAPTER 211

AN ACT concerning voluntary contributions through gross income tax returns to the "American Red Cross-NJ Fund".

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

C.54A:9-25.30 "American Red Cross-NJ Fund."

1. a. There is established in the Department of the Treasury a special fund to be known as the "American Red Cross-NJ Fund."

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

c. Any costs incurred by the Division of Taxation for collection or administration attributable to this section may be deducted from receipts collected pursuant to this act, as determined by the Director of the Division of Budget and Accounting in the Department of the Treasury. The State Treasurer shall deposit net contributions collected pursuant to this section to the "American Red Cross-NJ Fund."

d. The Legislature shall annually appropriate all funds deposited in the "American Red Cross-NJ Fund" to the American Red Cross of Central New Jersey for allocation to each of the New Jersey Chapters of the American Red Cross to support its programs of emergency response with its aim of preventing and relieving suffering.

2. This act shall take effect immediately and section 1 shall apply to taxable years commencing on or after January 1 of the year of enactment.

Approved January 17, 2012.

New Jersey State Library

CHAPTER 212

AN ACT concerning certain road markings, amending P.L.1951, c.23, and supplementing Title 27 and Title 39 of the Revised Statutes.

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

C.27:7-44.16 Findings, declarations relative to road markings containing inorganic arsenic.

1. The Legislature finds and declares that inorganic arsenic is a hazardous substance and is recognized by the United States Environmental Protection Agency and the United States Occupational Safety and Health Administration as a human carcinogen; that release of this substance to the environment may lead to contamination of soil and water; that the ingestion or inhalation of soil, water, plant material, or animal tissues contaminated with inorganic arsenic may lead to lung cancer, damage to the nervous system, or, in extreme cases, death from systemic poisoning; that reflective glass beads are used to reflect light when applied to roadway markers; that glass beads which contain more than 100 parts per million inorganic arsenic may represent a danger to workers who handle and apply them and a contamination potential to soil and water surrounding roadways.

The Legislature therefore determines that it is in the public interest to prohibit the manufacture, sale, or use of glass beads containing more than 100 parts per million inorganic arsenic used to reflect light when applied to markings on roadways.

C.27:7-44.17 Manufacture, sale of certain reflective glass beads prohibited; violations, penalties.

2. a. On or after July 1, 2012 no person shall manufacture, sell, offer for sale, or offer for promotional purposes in this State reflective glass beads containing more than 100 parts per million inorganic arsenic, as determined by x-ray fluorescence, used to reflect light when applied to markings on roadways.

b. Any person who violates this section shall be subject to a penalty of not less than \$500 nor more than \$1,000 for each offense, to be collected in a civil action by a summary proceeding under the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The municipal court and the Superior Court shall have jurisdiction of proceedings for the enforcement of the penalty provided by this section.

If the violation is of a continuing nature, each day during which it continues constitutes an additional, separate, and distinct offense.

C.27:23-50 Certain roadway markings prohibited on roads under jurisdiction of NJ Turnpike Authority; rules, regulations.

3. a. Notwithstanding the provisions of P.L.1948, c.454 (C.27:23-1 et seq.) or any rule or regulation to the contrary, no markings made with paint that has been mixed, in whole or in part, with reflective glass beads containing more than 100 parts per million inorganic arsenic, as determined by x-ray fluorescence, shall be placed on, or along, any New Jersey Turnpike Authority highway project, right-of-way, or other real property owned by or under the administration, jurisdiction, or control of the New Jersey Turnpike Authority.

b. The New Jersey Turnpike Authority shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), any rules and regulations that may be necessary to implement the provisions of this section.

C.27:25A-45 Certain roadway markings prohibited on roads under jurisdiction of South Jersey Transportation Authority; rules, regulations.

4. a. Notwithstanding the provisions of P.L.1991, c.252 (C.27:25A-1 et seq.) or any rule or regulation to the contrary, no markings made with paint that has been mixed, in whole or in part, with reflective glass beads containing more than 100 parts per million inorganic arsenic, as determined by x-ray fluorescence, shall be placed on, or along, any South Jersey Transportation Authority expressway project, right-of-way, or other real property owned by or under the administration, jurisdiction, or control of the South Jersey Transportation Authority.

b. The South Jersey Transportation Authority shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), any rules and regulations that may be necessary to implement the provisions of this section.

5. Section 100 of P.L.1951, c.23 (C.39:4-191.1) is amended to read as follows:

C.39:4-191.1 Legal authority; uniformity.

100. a. Markings shall be placed only by the authority of a public body or official having jurisdiction as authorized by law, and only for the purpose of regulating, warning, or guiding traffic. Where used, these markings shall be uniform in design, position, and application. The Commissioner of Transportation may adopt a uniform system of markings consistent with the

provisions of this act for use upon public highways within the State. Such a uniform system of markings shall correlate with and so far as possible conform to the current "Manual on Uniform Traffic Control Devices for Streets and Highways."

b. No markings made from paint that has been mixed, in whole or in part, with reflective glass beads containing more than 100 parts per million inorganic arsenic, as determined by x-ray fluorescence, shall be placed on or along any State highway, right-of-way, or other real property owned by or under the administration, jurisdiction, or control of the Department of Transportation.

6. Section 105 of P.L.1951, c.23 (C.39:4-191.6) is amended to read as follows:

C.39:4-191.6 Illumination and reflectorization.

105. All markings may be reflectorized, and all obstructions, within the roadway, shall be properly illuminated or reflectorized. The following markings shall normally be reflectorized:

- a. Center lines on pavement.
- b. "No Passing" lines.
- c. Striping or checkerboard squares on vertical surfaces of obstructions in or adjacent to the roadway.
- d. Reflector markers.

In conformance with the provisions of section 100 of P.L.1951, c.23 (C.39:4-191.1) no reflectorized markings made from paint that has been mixed, in whole or in part, with reflective glass beads containing more than 100 parts per million inorganic arsenic, as determined by x-ray fluorescence, shall be placed on or along any State highway, right-of-way, or other real property owned by or under the administration, jurisdiction, or control of the Department of Transportation.

7. This act shall take effect immediately.

Approved January 17, 2012.

CHAPTER 213

AN ACT concerning domestic violence and amending P.L.1991, c.261.

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

1. Section 10 of P.L.1991, c.261 (C.2C:25-26) is amended to read as follows:

C.2C:25-26 Release of defendant before trial; conditions.

10. a. When a defendant charged with a crime or offense involving domestic violence is released from custody before trial on bail or personal recognizance, the court authorizing the release may as a condition of release issue an order prohibiting the defendant from having any contact with the victim including, but not limited to, restraining the defendant from entering the victim's residence, place of employment or business, or school, and from harassing or stalking the victim or the victim's friends, co-workers, or relatives in any way. The court may also enter an order prohibiting the defendant from having any contact with any animal owned, possessed, leased, kept, or held by either party or a minor child residing in the household. In addition, the court may enter an order directing the possession of the animal and providing that the animal shall not be disposed of prior to the disposition of the crime or offense. The court may enter an order prohibiting the defendant from possessing any firearm or other weapon enumerated in subsection r. of N.J.S.2C:39-1 and ordering the search for and seizure of any such weapon at any location where the judge has reasonable cause to believe the weapon is located. The judge shall state with specificity the reasons for and scope of the search and seizure authorized by the order.

b. The written court order releasing the defendant shall contain the court's directives specifically restricting the defendant's ability to have contact with the victim, the victim's friends, co-workers, or relatives, or any animal owned, possessed, leased, kept, or held by either party or a minor child residing in the household. The clerk of the court or other person designated by the court shall provide a copy of this order to the victim forthwith.

c. The victim's location shall remain confidential and shall not appear on any documents or records to which the defendant has access.

d. Before bail is set, the defendant's prior record shall be considered by the court. The court shall also conduct a search of the domestic violence central registry. Bail shall be set as soon as is feasible, but in all cases within 24 hours of arrest.

e. Once bail is set it shall not be reduced without prior notice to the county prosecutor and the victim. Bail shall not be reduced by a judge other than the judge who originally ordered bail, unless the reasons for the

amount of the original bail are available to the judge who reduces the bail and are set forth in the record.

f. A victim shall not be prohibited from applying for, and a court shall not be prohibited from issuing, temporary restraints pursuant to this act because the victim has charged any person with commission of a criminal act.

2. Section 11 of P.L.1991, c.261 (C.2C:25-27) is amended to read as follows:

C.2C:25-27 Conditions of sentencing of defendant found guilty of domestic violence.

11. a. When a defendant is found guilty of a crime or offense involving domestic violence and a condition of sentence restricts the defendant's ability to have contact with the victim, the victim's friends, co-workers, or relatives, or an animal owned, possessed, leased, kept, or held by either party or a minor child residing in the household, that condition shall be recorded in an order of the court and a written copy of that order shall be provided to the victim by the clerk of the court or other person designated by the court. In addition to restricting a defendant's ability to have contact with the victim, the victim's friends, co-workers, or relatives, or an animal owned, possessed, leased, kept, or held by either party or a minor child residing in the household, the court may require the defendant to receive professional counseling from either a private source or a source appointed by the court, and if the court so orders, the court shall require the defendant to provide documentation of attendance at the professional counseling. In any case where the court order contains a requirement that the defendant receive professional counseling, no application by the defendant to dissolve the restraining order shall be granted unless, in addition to any other provisions required by law or conditions ordered by the court, the defendant has completed all required attendance at such counseling.

b. In addition the court may enter an order directing the possession of an animal owned, possessed, leased, kept, or held by either party or a minor child residing in the household. Where a person has abused or threatened to abuse such animal, there shall be a presumption that possession of the animal shall be awarded to the non-abusive party.

3. Section 12 of P.L.1991, c.261 (C.2C:25-28) is amended to read as follows:

C.2C:25-28 Filing complaint alleging domestic violence in Family Part; proceeding.

12. a. A victim may file a complaint alleging the commission of an act of domestic violence with the Family Part of the Chancery Division of the

Superior Court in conformity with the Rules of Court. The court shall not dismiss any complaint or delay disposition of a case because the victim has left the residence to avoid further incidents of domestic violence. Filing a complaint pursuant to this section shall not prevent the filing of a criminal complaint for the same act.

On weekends, holidays and other times when the court is closed, a victim may file a complaint before a judge of the Family Part of the Chancery Division of the Superior Court or a municipal court judge who shall be assigned to accept complaints and issue emergency, ex parte relief in the form of temporary restraining orders pursuant to this act.

A plaintiff may apply for relief under this section in a court having jurisdiction over the place where the alleged act of domestic violence occurred, where the defendant resides, or where the plaintiff resides or is sheltered, and the court shall follow the same procedures applicable to other emergency applications. Criminal complaints filed pursuant to this act shall be investigated and prosecuted in the jurisdiction where the offense is alleged to have occurred. Contempt complaints filed pursuant to N.J.S.2C:29-9 shall be prosecuted in the county where the contempt is alleged to have been committed and a copy of the contempt complaint shall be forwarded to the court that issued the order alleged to have been violated.

b. The court shall waive any requirement that the petitioner's place of residence appear on the complaint.

c. The clerk of the court, or other person designated by the court, shall assist the parties in completing any forms necessary for the filing of a summons, complaint, answer or other pleading.

d. Summons and complaint forms shall be readily available at the clerk's office, at the municipal courts and at municipal and State police stations.

e. As soon as the domestic violence complaint is filed, both the victim and the abuser shall be advised of any programs or services available for advice and counseling.

f. A plaintiff may seek emergency, ex parte relief in the nature of a temporary restraining order. A municipal court judge or a judge of the Family Part of the Chancery Division of the Superior Court may enter an ex parte order when necessary to protect the life, health or well-being of a victim on whose behalf the relief is sought.

g. If it appears that the plaintiff is in danger of domestic violence, the judge shall, upon consideration of the plaintiff's domestic violence complaint, order emergency ex parte relief, in the nature of a temporary restraining order. A decision shall be made by the judge regarding the emergency relief forthwith.

h. A judge may issue a temporary restraining order upon sworn testimony or complaint of an applicant who is not physically present, pursuant to court rules, or by a person who represents a person who is physically or mentally incapable of filing personally. A temporary restraining order may be issued if the judge is satisfied that exigent circumstances exist sufficient to excuse the failure of the applicant to appear personally and that sufficient grounds for granting the application have been shown.

i. An order for emergency, ex parte relief shall be granted upon good cause shown and shall remain in effect until a judge of the Family Part issues a further order. Any temporary order hereunder is immediately appealable for a plenary hearing de novo not on the record before any judge of the Family Part of the county in which the plaintiff resides or is sheltered if that judge issued the temporary order or has access to the reasons for the issuance of the temporary order and sets forth in the record the reasons for the modification or dissolution. The denial of a temporary restraining order by a municipal court judge and subsequent administrative dismissal of the complaint shall not bar the victim from refiling a complaint in the Family Part based on the same incident and receiving an emergency, ex parte hearing de novo not on the record before a Family Part judge, and every denial of relief by a municipal court judge shall so state.

j. Emergency relief may include forbidding the defendant from returning to the scene of the domestic violence, forbidding the defendant from possessing any firearm or other weapon enumerated in subsection r. of N.J.S.2C:39-1, ordering the search for and seizure of any such weapon at any location where the judge has reasonable cause to believe the weapon is located and the seizure of any firearms purchaser identification card or permit to purchase a handgun issued to the defendant and any other appropriate relief. Other appropriate relief may include but is not limited to an order directing the possession of any animal owned, possessed, leased, kept, or held by either party or a minor child residing in the household and providing that the animal shall not be disposed of prior to entry of a final order pursuant to section 13 of P.L.1991, c.261 (C.2C:25-29).

The judge shall state with specificity the reasons for and scope of any search and seizure authorized by the order. The provisions of this subsection prohibiting a defendant from possessing a firearm or other weapon shall not apply to any law enforcement officer while actually on duty, or to any member of the Armed Forces of the United States or member of the National Guard while actually on duty or traveling to or from an authorized place of duty.

k. The judge may permit the defendant to return to the scene of the domestic violence to pick up personal belongings and effects but shall, in the order granting relief, restrict the time and duration of such permission and provide for police supervision of such visit.

l. An order granting emergency relief, together with the complaint or complaints, shall immediately be forwarded to the appropriate law enforcement agency for service on the defendant, and to the police of the municipality in which the plaintiff resides or is sheltered, and shall immediately be served upon the defendant by the police, except that an order issued during regular court hours may be forwarded to the sheriff for immediate service upon the defendant in accordance with the Rules of Court. If personal service cannot be effected upon the defendant, the court may order other appropriate substituted service. At no time shall the plaintiff be asked or required to serve any order on the defendant.

m. (Deleted by amendment, P.L.1994, c.94.)

n. Notice of temporary restraining orders issued pursuant to this section shall be sent by the clerk of the court or other person designated by the court to the appropriate chiefs of police, members of the State Police and any other appropriate law enforcement agency or court.

o. (Deleted by amendment, P.L.1994, c.94.)

p. Any temporary or final restraining order issued pursuant to this act shall be in effect throughout the State, and shall be enforced by all law enforcement officers.

q. Prior to the issuance of any temporary or final restraining order issued pursuant to this section, the court shall order that a search be made of the domestic violence central registry with regard to the defendant's record.

4. Section 13 of P.L.1991, c.261 (C.2C:25-29) is amended to read as follows:

C.2C:25-29 Hearing procedure; relief.

13. a. A hearing shall be held in the Family Part of the Chancery Division of the Superior Court within 10 days of the filing of a complaint pursuant to section 12 of P.L.1991, c.261 (C.2C:25-28) in the county where the ex parte restraints were ordered, unless good cause is shown for the hearing to be held elsewhere. A copy of the complaint shall be served on the defendant in conformity with the Rules of Court. If a criminal complaint arising out of the same incident which is the subject matter of a complaint brought under P.L.1981, c.426 (C.2C:25-1 et seq.) or P.L.1991, c.261 (C.2C:25-17 et seq.) has been filed, testimony given by the plaintiff or defendant in the

domestic violence matter shall not be used in the simultaneous or subsequent criminal proceeding against the defendant, other than domestic violence contempt matters and where it would otherwise be admissible hearsay under the rules of evidence that govern where a party is unavailable. At the hearing the standard for proving the allegations in the complaint shall be by a preponderance of the evidence. The court shall consider but not be limited to the following factors:

- (1) The previous history of domestic violence between the plaintiff and defendant, including threats, harassment and physical abuse;
- (2) The existence of immediate danger to person or property;
- (3) The financial circumstances of the plaintiff and defendant;
- (4) The best interests of the victim and any child;
- (5) In determining custody and parenting time the protection of the victim's safety; and
- (6) The existence of a verifiable order of protection from another jurisdiction.

An order issued under this act shall only restrain or provide damages payable from a person against whom a complaint has been filed under this act and only after a finding or an admission is made that an act of domestic violence was committed by that person. The issue of whether or not a violation of this act occurred, including an act of contempt under this act, shall not be subject to mediation or negotiation in any form. In addition, where a temporary or final order has been issued pursuant to this act, no party shall be ordered to participate in mediation on the issue of custody or parenting time.

b. In proceedings in which complaints for restraining orders have been filed, the court shall grant any relief necessary to prevent further abuse. In addition to any other provisions, any restraining order issued by the court shall bar the defendant from purchasing, owning, possessing or controlling a firearm and from receiving or retaining a firearms purchaser identification card or permit to purchase a handgun pursuant to N.J.S.2C:58-3 during the period in which the restraining order is in effect or two years whichever is greater, except that this provision shall not apply to any law enforcement officer while actually on duty, or to any member of the Armed Forces of the United States or member of the National Guard while actually on duty or traveling to or from an authorized place of duty. At the hearing the judge of the Family Part of the Chancery Division of the Superior Court may issue an order granting any or all of the following relief:

- (1) An order restraining the defendant from subjecting the victim to domestic violence, as defined in this act.

(2) An order granting exclusive possession to the plaintiff of the residence or household regardless of whether the residence or household is jointly or solely owned by the parties or jointly or solely leased by the parties. This order shall not in any manner affect title or interest to any real property held by either party or both jointly. If it is not possible for the victim to remain in the residence, the court may order the defendant to pay the victim's rent at a residence other than the one previously shared by the parties if the defendant is found to have a duty to support the victim and the victim requires alternative housing.

(3) An order providing for parenting time. The order shall protect the safety and well-being of the plaintiff and minor children and shall specify the place and frequency of parenting time. Parenting time arrangements shall not compromise any other remedy provided by the court by requiring or encouraging contact between the plaintiff and defendant. Orders for parenting time may include a designation of a place of parenting time away from the plaintiff, the participation of a third party, or supervised parenting time.

(a) The court shall consider a request by a custodial parent who has been subjected to domestic violence by a person with parenting time rights to a child in the parent's custody for an investigation or evaluation by the appropriate agency to assess the risk of harm to the child prior to the entry of a parenting time order. Any denial of such a request must be on the record and shall only be made if the judge finds the request to be arbitrary or capricious.

(b) The court shall consider suspension of the parenting time order and hold an emergency hearing upon an application made by the plaintiff certifying under oath that the defendant's access to the child pursuant to the parenting time order has threatened the safety and well-being of the child.

(4) An order requiring the defendant to pay to the victim monetary compensation for losses suffered as a direct result of the act of domestic violence. The order may require the defendant to pay the victim directly, to reimburse the Victims of Crime Compensation Office for any and all compensation paid by the Victims of Crime Compensation Office directly to or on behalf of the victim, and may require that the defendant reimburse any parties that may have compensated the victim, as the court may determine. Compensatory losses shall include, but not be limited to, loss of earnings or other support, including child or spousal support, out-of-pocket losses for injuries sustained, cost of repair or replacement of real or personal property damaged or destroyed or taken by the defendant, cost of counseling for the victim, moving or other travel expenses, reasonable attorney's fees, court costs, and compensation for pain and suffering. Where appropriate, punitive damages may be awarded in addition to compensatory damages.

(5) An order requiring the defendant to receive professional domestic violence counseling from either a private source or a source appointed by the court and, in that event, requiring the defendant to provide the court at specified intervals with documentation of attendance at the professional counseling. The court may order the defendant to pay for the professional counseling. No application by the defendant to dissolve a final order which contains a requirement for attendance at professional counseling pursuant to this paragraph shall be granted by the court unless, in addition to any other provisions required by law or conditions ordered by the court, the defendant has completed all required attendance at such counseling.

(6) An order restraining the defendant from entering the residence, property, school, or place of employment of the victim or of other family or household members of the victim and requiring the defendant to stay away from any specified place that is named in the order and is frequented regularly by the victim or other family or household members.

(7) An order restraining the defendant from making contact with the plaintiff or others, including an order forbidding the defendant from personally or through an agent initiating any communication likely to cause annoyance or alarm including, but not limited to, personal, written, or telephone contact with the victim or other family members, or their employers, employees, or fellow workers, or others with whom communication would be likely to cause annoyance or alarm to the victim.

(8) An order requiring that the defendant make or continue to make rent or mortgage payments on the residence occupied by the victim if the defendant is found to have a duty to support the victim or other dependent household members; provided that this issue has not been resolved or is not being litigated between the parties in another action.

(9) An order granting either party temporary possession of specified personal property, such as an automobile, checkbook, documentation of health insurance, an identification document, a key, and other personal effects.

(10) An order awarding emergency monetary relief, including emergency support for minor children, to the victim and other dependents, if any. An ongoing obligation of support shall be determined at a later date pursuant to applicable law.

(11) An order awarding temporary custody of a minor child. The court shall presume that the best interests of the child are served by an award of custody to the non-abusive parent.

(12) An order requiring that a law enforcement officer accompany either party to the residence or any shared business premises to supervise the removal of personal belongings in order to ensure the personal safety of the

plaintiff when a restraining order has been issued. This order shall be restricted in duration.

(13) (Deleted by amendment, P.L.1995, c.242).

(14) An order granting any other appropriate relief for the plaintiff and dependent children, provided that the plaintiff consents to such relief, including relief requested by the plaintiff at the final hearing, whether or not the plaintiff requested such relief at the time of the granting of the initial emergency order.

(15) An order that requires that the defendant report to the intake unit of the Family Part of the Chancery Division of the Superior Court for monitoring of any other provision of the order.

(16) In addition to the order required by this subsection prohibiting the defendant from possessing any firearm, the court may also issue an order prohibiting the defendant from possessing any other weapon enumerated in subsection r. of N.J.S.2C:39-1 and ordering the search for and seizure of any firearm or other weapon at any location where the judge has reasonable cause to believe the weapon is located. The judge shall state with specificity the reasons for and scope of the search and seizure authorized by the order.

(17) An order prohibiting the defendant from stalking or following, or threatening to harm, to stalk or to follow, the complainant or any other person named in the order in a manner that, taken in the context of past actions of the defendant, would put the complainant in reasonable fear that the defendant would cause the death or injury of the complainant or any other person. Behavior prohibited under this act includes, but is not limited to, behavior prohibited under the provisions of P.L.1992, c.209 (C.2C:12-10).

(18) An order requiring the defendant to undergo a psychiatric evaluation.

(19) An order directing the possession of any animal owned, possessed, leased, kept, or held by either party or a minor child residing in the household. Where a person has abused or threatened to abuse such animal, there shall be a presumption that possession of the animal shall be awarded to the non-abusive party.

c. Notice of orders issued pursuant to this section shall be sent by the clerk of the Family Part of the Chancery Division of the Superior Court or other person designated by the court to the appropriate chiefs of police, members of the State Police and any other appropriate law enforcement agency.

d. Upon good cause shown, any final order may be dissolved or modified upon application to the Family Part of the Chancery Division of the Superior Court, but only if the judge who dissolves or modifies the order is the same judge who entered the order, or has available a complete record of the hearing or hearings on which the order was based.

- e. Prior to the issuance of any order pursuant to this section, the court shall order that a search be made of the domestic violence central registry.
- 5. This act shall take effect immediately.

Approved January 17, 2012.

CHAPTER 214

AN ACT concerning the disaster preparedness of 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-69 Emergency operations plan for institutions of higher education.

1. a. The governing board of each institution of higher education shall develop and coordinate an emergency operations plan to ensure the continuity of essential institution functions under all circumstances. The plan shall:

(1) identify a baseline of preparedness for all potential emergencies, including pandemics, to establish a viable capability to perform essential functions during any emergency that disrupts normal operations; and

(2) be coordinated with State and local authorities including, but not limited to, the State Office of Emergency Management, local law enforcement officers, county and local health officers, county offices of emergency management, and other emergency responders.

b. The plan shall include, but not be limited to, the following components: identification of essential functions, programs, and personnel; procedures to implement the plan; delegation of authority and lines of succession; identification of alternative facilities and related infrastructure, including those for communications; identification and protection of vital records and databases; and schedules and procedures for periodic tests, training, and exercises. The plan shall be consistent with the local emergency operations plan of the municipality in which the institution is located.

c. The governing board of the institution shall adopt and submit for review an emergency operations plan to the Secretary of Higher Education, the State Office of Emergency Management, the Department of Health and Senior Services, and the Office of Homeland Security and Preparedness within six months of the effective date of this act. The governing board shall review, update, and resubmit the plan to the offices every five years. If

an emergency incident occurs at an institution during the five-year period, the plan shall be reviewed immediately.

d. The Office of Homeland Security and Preparedness, the State Office of Emergency Management, the Department of Health and Senior Services, and the Secretary of Higher Education shall review the emergency operations plan submitted by an institution of higher education pursuant to subsection c. of this section and, when necessary, shall in coordination with other State agencies make recommendations to the institution for improving the plan that are deemed necessary.

e. Any plan prepared pursuant to this section shall not be considered a government record as defined in section 1 of P.L.1995, c.23 (C.47:1A-1.1) and shall not be available for public inspection, copying, or the purchase of copies.

2. This act shall take effect immediately.

Approved January 17, 2012.

CHAPTER 215

AN ACT concerning State agency rule-making and supplementing P.L.1968, c.410 (C.52:14B-1 et seq.).

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

C.52:14B-3a Regulations relative to State agency rule-making; “regulatory guidance document” defined.

1. a. A State agency shall follow the administrative rule-making requirements set forth in the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), and shall only implement rules that have been adopted in accordance with those rule-making requirements.

b. No State agency shall utilize regulatory guidance documents that have not been adopted as rules in accordance with P.L.1968, c.410 unless the agency makes such documents readily available to the regulated community through appropriate means, including but not limited to posting in a prominent place on the website for the agency.

c. A regulatory guidance document that has not been adopted as a rule pursuant to P.L.1968, c.410, shall not:

(1) impose any new or additional requirements that are not included in the State or federal law or rule that the regulatory guidance document is intended to clarify or explain; or

(2) be used by the State agency as a substitute for the State or federal law or rule for enforcement purposes.

d. As used in this section, “regulatory guidance document” means any policy memorandum or other similar document used by a State agency to provide technical or regulatory assistance or direction to the regulated community to facilitate compliance with a State or federal law or a rule adopted pursuant to P.L.1968, c.410, but shall not include technical manuals adopted by the Department of Environmental Protection pursuant to section 1 of P.L.1991, c.422 (C.13:1D-111).

e. Nothing in this section shall be construed to require the disclosure of any information or record that is protected from disclosure by law, court order or rule of court, or to abrogate or erode any privilege or grant of confidentiality heretofore established or recognized by the Constitution of this State, statute, court rule or judicial case law.

2. This act shall take effect immediately.

Approved January 17, 2012.

CHAPTER 216

AN ACT providing for a credit against the societal benefits charge, and supplementing P.L.1999, c.23 (C.48:3-49 et al.).

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

C.48:3-60.3 Credit against societal benefits charge permitted.

1. a. On and after January 1 next following the date of enactment of P.L.2011, c.216 (C.48:3-60.3), a commercial or industrial ratepayer shall be allowed a credit against the societal benefits charge imposed pursuant to section 12 of P.L.1999, c.23 (C.48:3-60), and collected as a non-bypassable charge by the electric public utility or gas public utility, as appropriate, providing service to the commercial or industrial ratepayer.

b. The amount of the credit authorized pursuant to subsection a. of this section shall be equal to one-half of that portion of the costs incurred by the commercial or industrial ratepayer during the preceding calendar

year for the purchase and installation of products or services that are intended for energy efficiency purposes, that would be eligible for incentives under programs that the board shall have determined to fund by the societal benefits charge pursuant to paragraph (3) of subsection a. of section 12 of P.L.1999, c.23 (C.48:3-60).

c. The amount of the credit to be allowed under this section in any calendar year against the societal benefits charge for each commercial or industrial ratepayer that is subject to such charge pursuant to section 12 of P.L.1999, c.23 (C.48:3-60) shall be determined by the board.

d. The maximum amount of the credit to be applied under this section against the societal benefits charge imposed pursuant to section 12 of P.L.1999, c.23 (C.48:3-60) shall not exceed 100 percent of the commercial or industrial ratepayer's liability for such charge that would otherwise be due in each calendar year.

e. The amount of the credit against the societal benefits charge otherwise allowable under this section which cannot be applied for the calendar year due to the limitations of subsections b. and d. of this section may be carried over, if necessary, to a maximum of 10 calendar years immediately following the initial year in which the credit is first applied to a commercial or industrial ratepayer's liability for societal benefits charges.

f. The electric public utility or gas public utility providing service to a commercial or industrial ratepayer shall disclose in a written notice to the commercial or industrial ratepayer, upon request from the commercial or industrial ratepayer, the amount of societal benefits charges collected by the utility from the commercial or industrial ratepayer pursuant to section 12 of P.L.1999, c.23 (C.48:3-60) for each calendar year specified in the request from the commercial or industrial ratepayer.

2. This act shall take effect immediately .

Approved January 17, 2012.

CHAPTER 217

AN ACT concerning title recordation and revising various parts of the statutory law.

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

1. Three additional chapters, chapters 26A, 26B, 26C are added to Title 46 of the Revised Statutes as follows:

TITLE 46
CHAPTER 26A
RECORDING

46:26A-1. Definitions: document and recorded.

For the purpose of this chapter:

a. "Document" includes both:

(1) paper documents, and

(2) electronic documents, documents created, communicated or stored by electronic means;

b. A document is "recorded" if:

(1) the document or its image has been placed in the permanent records of the recording office, and

(2) the document has been indexed as provided by this chapter.

Source: New

46:26A-2. Documents that may be recorded.

Documents affecting real property entitled to recording are:

a. deeds or other conveyances, releases, or declarations of trust of any interest;

b. powers of attorney for conveyance or release of any interest;

c. leases, or memoranda of leases, for life or a term not less than two years;

d. mortgages or other conveyances in the nature of a mortgage;

e. liens or encumbrances and releases of liens or encumbrances on any interest;

f. assignments, discharges, cancellations, or releases;

g. options and rights of first refusal;

h. certified copies of judgments, decrees and orders of courts of record;

i. reports of condemnation commissioners filed with the Superior Court; declarations of taking duly executed by executive officials of condemnors in accordance with section 17 of P.L.1971, c.361 (C.20:3-17);

j. notices of federal tax liens, liens arising from the federal "Comprehensive Environmental Response, Compensation and Liability Act of 1980," Pub.L.96-510 (42 U.S.C.s.9601 et seq.), and other federal liens, which any Act of Congress or regulation adopted pursuant to it provides for

filing of notice in the recording office designated by a state, and certificates discharging such liens;

- k. restrictions affecting the real property or its use;
- l. notices of settlement as provided by this chapter;
- m. maps as provided by this chapter;
- n. condominium master deeds and unit deeds as defined by law;
- o. cooperative master declarations and proprietary leases as defined by law;
- p. any other document that affects title to any interest in real property in any way or contains any agreement in relation to real property, or grants any right or interest in real property or grants any lien on real property; and
- q. any other document relating to real property that is directed to be recorded by any statute or court order.

Source: 46:16-1.

46:26A-3. Prerequisites for recording.

a. A document satisfies the prerequisites for recording if it appears from the document or the image of it delivered to the recording office that:

- (1) the document is in English or accompanied by a translation into English;
- (2) the document bears a signature;
- (3) the document (including a corrected document submitted for re-recording) is acknowledged or proved as provided by Title 46 of the Revised Statutes;
- (4) the names are printed beneath all signatures that appear on the document;
- (5) if the document is a deed conveying title to real property, it
 - (a) fulfills the requirements of section 2 of P.L.1968, c.49 (C.46:15-6),
 - (b) includes a reference to the lot and block number of the real property conveyed as designated on the tax map of the municipality at the time of the conveyance or the account number of the real property,
 - (c) includes the name of the person who prepared the deed, and
 - (d) includes the mailing address of the grantee. If the real property has been subdivided, the reference shall be preceded by the words "part of." If no lot and block or account number has been assigned to the real property, the deed shall state that fact, and
- (6) if the document is an assignment, release or satisfaction of a mortgage or an agreement respecting a mortgage, it states the book and page number or the document identifying number of the mortgage to which it relates if the mortgage has been given such a number.

b. A document, whether made by an individual, corporation or other entity, is not required to be executed under seal, or to contain words referring to execution under seal.

Source: 46:15-1.1; 46:18-1.

46:26A-4. Exceptions to prerequisites to recording.

Notwithstanding the prerequisites to recording in N.J.S.46:26A-3, the following may be recorded:

a. documents that establish or evidence a trust under which a fiduciary has acquired real property if accompanied by an affidavit of the fiduciary that the document is an original trust document;

b. ancient documents that cannot be acknowledged or proved because of the death or other disability of the grantors and subscribing witnesses, accompanied by an affidavit made by a person claiming to derive title from the document stating that the affiant truly believes that quiet, continuous, adverse and undisturbed possession of the real property has been enjoyed by virtue of the document for the period applicable for adverse possession;

c. documents other than those listed in N.J.S.46:26A-2 that by their nature cannot be acknowledged or proved, accompanied by an affidavit made by a person claiming to derive title to the real property stating that the document is genuine and how the document relates to title to the real property;

d. notices of federal tax liens, liens arising from the federal "Comprehensive Environmental Response, Compensation and Liability Act of 1980," Pub.L.96-510 (42 U.S.C.s.9601 et seq.), and other federal liens, which any Act of Congress or regulation adopted pursuant to it provides for filing of notice in the recording office designated by a state, and certificates discharging such liens;

e. maps as provided by P.L.2011, c.217 (N.J.S.46:26A-1 et al.);

f. notices of settlement executed by an attorney at law or authorized representative of a party in accordance with P.L.2011, c.217 (N.J.S.46:26A-1 et al.);

g. certified copies of:

(1) judgments, decrees, or orders of any court of record and petitions filed in a United States Bankruptcy Court;

(2) government issued documents affecting title to real property, including declarations of takings duly executed by executive officials of condemnors in accordance with section 17 of P.L.1971, c.361 (C.20:3-17);

(3) documents recorded or filed in any public recording office in the United States;

- h. a recorded mortgage bearing an endorsement:
 - (1) authorizing cancellation of the mortgage signed by the mortgage holder; and
 - (2) made on the original mortgage that bears on it the receipt given by the county recording officer at the time it was recorded; and
 - i. any other document that is permitted by another statute to be recorded or filed without acknowledgment.
- Source: 46:16-1.1; 46:16-4.1; 46:16-4.2; 46:16-4.3; 46:16-5.1; 46:16-7; 46:16-9; 46:16-10; 46:16-13; 46:16-14.

46:26A-5. Form of documents and maps; cover sheet or electronic synopsis.

a. To be accepted for recording, a document or its image shall be either:

- (1) legibly printed on paper no larger than 8½ inches by 14 inches; or
- (2) in compliance with regulations on the form of documents promulgated by the Division of Archives and Records Management in the Department of State.

b. A document or its image accepted for recording may be accompanied by a cover sheet or an electronic synopsis separate from the document or integrated with the document. The Division of Archives and Records Management in the Department of State shall establish forms for cover sheets and formats for electronic synopses. The form for a separate cover sheet shall be available at every recording office and on a web site maintained by the Division of Archives and Records Management. The cover sheet or electronic synopsis shall include:

- (1) the nature of the document;
- (2) the date of the document;
- (3) the names of the parties to the document and any other names by which the document is to be indexed;
- (4) if the document is a deed conveying title to real property:
 - (i) the lot and block number or other real property tax designation of the real property conveyed or a statement that the information is not available;
 - (ii) the consideration for the conveyance;
 - (iii) the mailing address of the grantee; and
- (5) if the document is an assignment, release or satisfaction of a mortgage or an agreement respecting a mortgage, it states the book and page number or the document identifying number of the mortgage to which it relates if the mortgage has been given such a number.

c. If the person submitting the document for recording does not include a cover sheet or electronic synopsis, the recording office shall charge an additional fee of \$20 for the additional cost of indexing.

d. To be accepted for recording, a map shall be clearly and legibly drawn in black ink on translucent tracing cloth, translucent mylars at least 4 mils thick or its equivalent, of good quality, with signatures in ink, or as an equivalent reproduction on photographic fixed line mylar 4 mils thick with signatures in black ink or its equivalent and accompanied by a cloth print or photographic fixed line mylar 4 mils thick duplicate; and one of six standard sizes: 8 1/2" x 13", 30" x 42", 24" x 36", 11" x 17", 18" x 24" or 15" x 21" as measured from cutting edges. If one sheet is not of sufficient size to contain the entire territory, the map may be divided into sections to be shown on separate sheets of equal sizes, with references on each sheet to the adjoining sheets.

e. The regulations of the Division of Archives and Records Management specifying the form of documents shall comply with rules, standards and procedures authorized by the State Records Committee pursuant to its authority under section 6 of P.L.1994, c.140 (C.47:1-12) and the "Destruction of Public Records Law (1953)," P.L.1953, c.410 (C.47:3-15 et seq.).

f. A county recording office shall not be required to accept for recording a cover sheet or electronic synopsis pursuant to subsections b. and c. of this section until five years after the effective date of P.L.2011, c.217 (N.J.S.46:26A-1 et al.). This provision shall not operate to prevent or preclude any county recording officer from adopting the use of the document summary form or electronic synopsis prior to that date.

Source: New; 46:19-3; 46:23-9.11.

46:26A-6. Duty to record; recording officer's books, methods.

a. The county recording officer shall record any document or map affecting the title to real property located in the county, delivered for recording, provided the document:

(1) is in the form required by P.L.2011, c.217 (N.J.S.46:26A-1 et al.),

(2) appears to comply with requirements for recording specified in P.L.2011, c.217 (N.J.S.46:26A-1 et al.), and

(3) is accompanied by payment of any required fee and any state tax, if applicable, except that a State agency shall be afforded an opportunity to pay on a periodic basis on an account established with the county recording officer.

b. Every document or map shall be recorded and indexed not later than two business days after its receipt.

c. A document or map that is rejected shall be returned to the person who delivered it for recording with a statement of all grounds for its rejection within three business days after its receipt.

d. When a document is recorded, a book and page number or other permanent, unique document identifying number shall be assigned to the document.

e. Recording shall be done by a method that:

(1) produces a clear, accurate and permanent image of a document,

(2) allows the document to be found by use of the indexes maintained, and

(3) is authorized by R.S.47:1-5 and is in conformance with rules, standards and procedures promulgated by the Division of Archives and Records Management in the Department of State and approved by the State Records Committee pursuant to its authority under section 6 of P.L.1994, c.140 (C.47:1-12) and the "Destruction of Public Records Law (1953)," P.L.1953, c.410 (C.47:3-15 et seq.); provided, however, that the Division of Archives and Records Management and the State Records Committee shall establish rules, standards, and procedures for recording in conjunction and collaboration with the county recording officers.

f. For documents recorded before the effective date of P.L.2011, c.217 (N.J.S.46:26A-1 et al.), the recording office shall:

(1) retain the documents or clear, accurate and permanent images of the documents, and

(2) maintain indexes that allow the documents to be found.

g. The Division of Archives and Records Management and the State Records Committee shall consult with the Office of Telecommunications and Information Systems in the Department of the Treasury in the development of general technical standards for record keeping. Notwithstanding any general technical standards developed pursuant to this section, the State Records Committee may adopt rules and regulations to authorize pilot programs for various individual counties in order to evaluate alternative technologies for the preservation of records.

h. When a discharge, assignment, extension or postponement of a mortgage is recorded, the recording officer may make a marginal notation on the mortgage affected indicating the book and page number or document identifying number of the discharge, assignment, extension or postponement.

Source: 46:19-1; 46:19-3; 46:8D-4.

46:26A-7. Receipts for documents presented for recording.

Upon request, the county recording officer shall:

- a. furnish a receipt for the document and fees paid; and
- b. return a copy of the document with the date and time it was received for recording, the fee paid, and the book and page number or other permanent, unique document identifying number assigned to the document. If the copy returned is a paper document, the information shall be endorsed on the document. If the copy returned is an electronic document, then the receipt shall be sent electronically.

Source: 46:19-4; 46:19-5.

46:26A-8. Indexes; entries.

- a. The county recording officer shall maintain one index of all recorded documents and may make other separate, classified, analytical or combination indexes.

- b. A deed or other conveyance shall be indexed by the names of its grantors and grantees, and also shall be indexed by the name of:

- (1) the testator or intestate if a deed or other conveyance is made by executors or administrators;

- (2) the person granting the power of attorney if a deed is made under power of attorney;

- (3) the defendants in the execution for which the sale was made if a deed is made by a sheriff; and

- (4) the person whose property has been conveyed if a deed is made by a person appointed to convey property by a court.

- c. A mortgage shall be indexed by the names of the mortgagors and mortgagees.

- d. An assignment, extension, postponement, modification or discharge of a mortgage shall be indexed by the names of the mortgagors, assignors and assignees.

- e. A trust instrument shall be indexed by the names of the parties to the instrument and in the names of beneficiaries if they appear.

- f. Any other document shall be indexed by the names of the parties to it.

- g. A document shall also be indexed by additional names requested by the person submitting the document for recording if an affidavit is presented at the time the document is presented for recording attesting to facts establishing the specific relationship of the names to the document submitted and the need for indexing the document by the additional names supplied.

- h. A document shall be indexed from the information supplied on its cover sheet or electronic synopsis if one is submitted. A recording officer

shall not be liable for differences between the cover sheet or electronic synopsis and the document.

i. If a law requires a notation be placed on or in the margin of any recorded or filed document, the statutory requirement for marginal notations shall be satisfied by recording and indexing the document.

Source: 46:20-1; 46:20-3; 46:20-5; 46:19-2.

46:26A-9. Sequence of recording.

The county recording officer shall record and index documents in the order received. If two documents affecting the same property are submitted for recording by the same person and are received at the same time, the county recording officer shall record and index the documents in the order requested by the person who submitted them.

Source: New; 46:19-3; 46:20-2.

46:26A-10. Documents filed as provided by other statutes.

When a statute outside of this chapter provides that a document relating to real property be filed rather than recorded:

a. requirements for the form and content of the document shall be those established by the statute outside of this chapter;

b. the document shall be recorded with all other documents affecting real property using the method established by subsection e. of N.J.S.46:26A-6 of this chapter; and

c. the document shall be indexed with all other documents affecting real property as provided by N.J.S.46:26A-8 of this chapter.

Source: New.

46:26A-11. Notices of settlement.

a. A party to a settlement which will convey an interest in real property, a mortgage on real property, or both, or the authorized representative of a party or a licensed title insurance producer, may execute a document titled "notice of settlement" and record it in the county recording office of the county in which the real property is located. The county recording officer may charge a fee not to exceed the fee charged for the recording of notices of federal tax liens.

b. The notice of settlement shall be signed by a party to the settlement or a party's authorized representative and shall state the names of the parties to the settlement and a description of the real property. If the notice is executed by anyone other than an attorney at law of this State, the execution shall be acknowledged or proved in the manner of acknowledgment or proof of deeds.

c. A notice of settlement shall be in substantially the following form:

Name

Address

(Seller or Mortgagor)

NOTICE OF SETTLEMENT

Name

Address

(Purchaser or Mortgagee)

NOTICE is hereby given of a(contract, agreement or mortgage commitment) between the parties.

THE lands to be affected are described as follows:

Premises in the of, (municipality) County of and State of New Jersey, commonly known as (street address) and more particularly described as follows: (legal description)

Name of party or authorized representative

Address

(acknowledgment)

d. A notice of settlement shall be effective for 60 days from the date of recording, unless it is terminated by the recording of a "discharge of notice of settlement." The effective period of a notice of settlement may be extended for one period of 60 days by recording an additional notice of settlement before the expiration or discharge of the notice of settlement.

e. A discharge of notice of settlement shall be substantially in the form prescribed for a notice of settlement and shall be recorded by the party or authorized representative who recorded the notice of settlement. The recording officer shall record and index each discharge in the same fashion as a notice of settlement.

f. Any person who claims an interest in or lien on the real property described in the notice of settlement arising during the time that a notice of settlement is effective shall be deemed to have acquired the interest or lien with knowledge of the anticipated settlement and shall be subject to the estate or interest created by the deed or mortgage described in the notice of settlement provided the deed or mortgage is recorded within the time that the notice is effective.

Source: 46:16A-1 through 46:16A-5.

46:26A-12. Effect of recording.

a. Any recorded document affecting the title to real property is, from the time of recording, notice to all subsequent purchasers, mortgagees and judgment creditors of the execution of the document recorded and its contents.

b. A claim under a recorded document affecting the title to real property shall not be subject to the effect of a document that was later recorded or was not recorded unless the claimant was on notice of the later recorded or unrecorded document.

c. A deed or other conveyance of an interest in real property shall be of no effect against subsequent judgment creditors without notice, and against subsequent bona fide purchasers and mortgagees for valuable consideration without notice and whose conveyance or mortgage is recorded, unless that conveyance is evidenced by a document that is first recorded.

Source: 46:21-1; 46:22-1.

CHAPTER 26B
MAPS

46:26B-1. Definitions.

As used in P.L.2011, c.217 (N.J.S.46:26A-1 et al.):

"Condominium plan" means a survey of the condominium property in sufficient detail to identify the location and dimensions of units and common elements, which shall be filed in accordance with the requirements of section 3 of P.L.1960, c.141 (C.46:23-9.11). A condominium plan shall bear a certification by a land surveyor, professional engineer or architect authorized to practice in this State that the plan is a correct representation of the improvements described.

"Entire tract" means all of the property that is being subdivided including lands remaining after subdivision.

"General property parcel map" means a right of way parcel map showing a group of parcel and easement acquisitions for part of a highway or street project.

"Land Surveyor" means a person who is legally authorized to practice land surveying in this State as provided by P.L.1938, c.342 (C.45:8-27 et seq.).

"Map" includes a map, plat, condominium plan, right of way parcel maps of the State, county or municipality, chart, or survey of lands presented for approval to a proper authority or presented for filing as provided by P.L.2011, c.217 (N.J.S.46:26A-1 et al.), but does not include a map, plat or sketch required to be filed or recorded under the provisions of P.L.1957,

c.130 (C.48:3-17.2) or a subdivision plat for a subdivision that was granted final approval by a municipal approving authority on or prior to July 1, 1999.

"Municipal Engineer" means the official licensed professional engineer appointed by the proper authority of the municipality in which the territory shown on a map is located.

"Professional Engineer" means a person who is legally authorized to practice professional engineering in this State as provided by P.L.1938, c.342 (C.45:8-27 et seq.).

"Proper authority" means the chief legislative body of a municipality or other agencies to which the authority for approval of maps has been designated by ordinance.

"Right of way parcel map" means any general property parcel map which shows highways or street acquisitions and any associated easements for highway or street rights of way.

Source: 46:23-9.10.

46:26B-2. Requirements for approval or filing of a map.

a. A map shall not be approved by a proper authority unless it meets the requirements of this section specified for the kind of map involved. The following kinds of maps shall meet the following requirements:

(1) Major subdivision plats shall meet all of the requirements of this section.

(2) Right of way parcel maps shall meet the requirements of subsections b. (1), (2), (4), (5), (6), (7), (11) of this section.

(3) Minor subdivision maps shall meet all of the requirements of this section except for the outside tract line monuments requirement of subsection b. (8).

(4) Condominium plans shall meet the requirements of subsections b. (1), (4), (5), (6), (7) and (11).

b. No map requiring approval by law or that is to be approved for filing with a county, shall be approved by the proper authority unless it conforms to the following requirements:

(1) A map shall show the scale, which shall be inches to feet and be large enough to contain legibly written data on the dimensions, bearings and all other details of the boundaries, and it shall also show the graphic scale.

(2) A map shall show the dimensions, square footage of each lot to the nearest square foot or nearest one hundredth of an acre. Bearings and curve data shall include the radius, delta angle, length of arc, chord distance and chord bearing sufficient to enable the definite location of all lines and boundaries shown, including public easements and areas dedicated for pub-

lic use. Non-tangent curves and non-radial lines shall be labeled. Right of way parcel maps shall show bearings, distances and curve data for the right of way or the center line or base line and ties to right of way lines if from a base line.

(3) Where lots are shown thereon, those in each block shall be numbered consecutively. Block and lot designations shall conform with the municipal tax map if municipal regulations so require. In counties which adopt the local or block system of indices pursuant to sections 46:24-1 to 46:24-22 of the Revised Statutes, the map shall show the block boundaries and designations established by the board of commissioners of land records for the territory shown on the map.

(4) The reference meridian used for bearings on the map shall be shown graphically. The coordinate base, either assumed or based on the New Jersey Plane Coordinate System, shall be shown on the plat.

(5) All municipal boundary lines crossing or adjacent to the territory shall be shown and designated.

(6) All natural and artificial watercourses, streams, shorelines and water boundaries and encroachment lines shall be shown. On right of way parcel maps all easements that affect the right of way, including slope easements and drainage, shall be shown and dimensioned.

(7) All permanent easements, including sight right easements and utility easements, shall be shown and dimensioned.

(8) The map shall clearly show all monumentation required by this chapter, including monuments found, monuments set, and monuments to be set. An indication shall be made where monumentation found has been reset. For purposes of this subsection "found corners" shall be considered monuments. A minimum of three corners distributed around the tract shall indicate the coordinate values. The outbound corner markers shall be set pursuant to regulations promulgated by the State Board of Professional Engineers and Land Surveyors.

(9) The map shall show as a chart on the plat any other technical design controls required by local ordinances, including minimum street widths, minimum lot areas and minimum yard dimensions.

(10) The map shall show the name of the subdivision, the name of the last property owners, the municipality and county.

(11) The map shall show the date of the survey and shall be in accordance with the minimum survey detail requirements of the State Board of Professional Engineers and Land Surveyors.

(12) A certificate of a land surveyor or surveyors, shall be endorsed on the map as follows:

I certify that to the best of my knowledge and belief this map and land survey dated meet the minimum survey detail requirements of the State Board of Professional Engineers and Land Surveyors and the map has been made under my supervision, and complies with the "map filing law" and that the outbound corner markers as shown have been found, or set.

(Include the following, if applicable)

I further certify that the monuments as designated and shown have been set.

.....
Licensed Professional Land Surveyor and No.

(Affix Seal)

(13) If the land surveyor who prepares the map is different from the land surveyor who prepared the outbound survey, the following two certificates shall be added in lieu of the certificate above.

(a) I certify to the best of my knowledge, information and belief that this land survey dated has been made under my supervision and meets the minimum survey detail requirements of the State Board of Professional Engineers and Land Surveyors and that the outbound corner markers as shown have been found, or set.

.....
Licensed Professional Land Surveyor and No.

(Affix seal)

(b) I certify that this map has been made under my supervision and complies with the "map filing law."

(Including the following if applicable)

I further certify that the monuments as designated and shown have been set.

.....
Licensed Professional Land Surveyor and No.

(Affix seal)

(c) If monuments are to be set at a later date, the following requirements and endorsement shall be shown on the map.

The monuments shown on this map shall be set within the time limit provided in the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) or local ordinance.

I certify that a bond has been given to the municipality, guaranteeing the future setting of the monuments as designated and shown on this map.

.....
Municipal Clerk

(d) If the map is a right of way parcel map the project surveyor need only to certify that the monuments have been set or will be set.

(14) A certificate of the municipal engineer shall be endorsed on the map as follows:

I have carefully examined this map and to the best of my knowledge and belief find it conforms with the provisions of "the map filing law," resolution of approval and applicable municipal ordinances and requirements.

.....
Municipal Engineer (Affix Seal)

(15) An affidavit setting forth the names and addresses of all the record title owners of the lands subdivided by the map and written consent to the approval of the map of all those owners shall be submitted to the proper authority with the map.

(16) If the map shows highways, streets, lanes or alleys, a certificate shall be endorsed on it by the municipal clerk that the municipal body has approved the highways, streets, lanes or alleys, except where such map is prepared and presented for filing by the State of New Jersey or any of its agencies. The map shall show all of the street names as approved by the municipality.

Source: 46:23-9.11.

46:26B-3. Monumentation.

a. A map shall not be approved by a proper authority unless it meets the monumentation requirements of this section specified for the kind of map involved. The following kinds of maps shall meet the following requirements:

(1) Subdivision plats shall meet all of the requirements of this section.

(2) Right of way parcel maps shall meet the requirements of subsection b. (9) of this section.

b. Monuments are required on one side of the right of way only and shall be of metal detectable durable material at least 30 inches long. The top and bottom shall be a minimum of 4 inches square; if concrete, however, it may be made of other durable metal detectable material specifically designed to be permanent, as approved by the State Board of Professional Engineers and Land Surveyors. All monuments shall include the identification of the professional land surveyor or firm. They shall be firmly set in the ground so as to be visible at the following control points; provided that in

lieu of installation of the monuments, the municipality may accept bond with sufficient surety in form and amount to be determined by the governing body, conditioned upon the proper installation of the monuments on the completion of the grading of the streets and roads shown on the map.

(1) At each intersection of the outside boundary of the whole tract, with the right-of-way line of any side of an existing street.

(2) At the intersection of the outside boundary of the whole tract with the right-of-way line on one side of a street being established by the map under consideration.

(3) At one corner formed by the intersection of the right-of-way lines of any two streets at a T-type intersection.

(4) At any two corners formed by the right-of-way lines of any two streets in an "X" or "Y" type intersection.

(5) If the right-of-way lines of two streets are connected by a curve at an intersection, monuments shall be as stipulated in (3) and (4) of this subsection at one of the following control points:

(a) The point of intersection of the prolongation of said lines,

(b) The point of curvature of the connecting curve,

(c) The point of tangency of the connecting curve,

(d) At the beginning and ending of all tangents on one side of any street, or

(e) At the point of compound curvature or point of reversed curvature where either curve has a radius equal to or greater than 100 feet. Complete curve data as indicated in subsection d. of this section shall be shown on the map, or

(f) At intermediate points in the sidelines of a street between two adjacent street intersections in cases where the street deflects from a straight line or the line of sight between the adjacent intersections is obscured by a summit or other obstructions which are impractical to remove. This requirement may necessitate the setting of additional monuments at points not mentioned above. Bearings and distances between the monuments or coordinate values shall be indicated.

(6) In cases where it is impossible to set a monument at any of the above designated points, a nearby reference monument shall be set and its relation to the designated point shall be clearly designated on the map; or the plate on the reference monument shall be stamped with the word "offset" and its relation to the monument shown on the filed map.

(7) In areas where permanency of monuments may be better insured by off-setting the monuments from the property line, the municipal engineer may authorize such procedure; provided, that proper instrument sights may

be obtained and complete off-set data is recorded on the map.

(8) By the filing of a map in accordance with the provisions of "the map filing law," reasonable survey access to the monuments is granted, which shall not restrict in any way the use of the property by the landowner.

(9) On right of way parcel maps, the monuments shall be set at the points of curvature, points of tangency, points of reverse curvature and points of compound curvature or the control base line or center line, if used, and be intervisible with a second monument.

(10) On minor subdivisions a monument shall be set at each intersection of an outside boundary of the newly created lot or lots with the right of way line of any side of an existing street.

Source: 46:23-9.11(r).

46:26B-4. Approval of maps.

a. The proper authority shall approve or disapprove a map within 45 days from its receipt.

b. The approval of a map under this law by the proper authority shall not be construed as acceptance of any street or highway indicated on the map; nor shall approval obligate the State of New Jersey or any county or municipality, to maintain or exercise jurisdiction over those streets or highways.

Source: 46:23-9.12; 46:23-9.13.

46:26B-5. Additional prerequisites to filing.

The county recording officer shall not accept for filing any map, with the exception of a right-of-way parcel map, unless it has endorsed on it a certificate by the municipal clerk or secretary of the planning board stating:

a. That the proper authority has approved the map or stating its exemption from approval;

b. That the map complies with the provisions of this law; and

c. The date by which the map is required to be filed by the applicable law.

Source: 46:23-9.14.

46:26B-6. Filing and indexing of maps, fee.

a. The county recording officer shall file a map if an original and a copy of the map are presented for filing, the map complies with all the requirements for filing and is accompanied with the fees for filing and indexing that are provided by law.

b. The original map and a duplicate shall be endorsed by the recording office with a receipt indicating the date of filing.

c. The original map shall be retained by the recording office in an appropriate manner for preservation and use for reproduction purposes.

d. Copies of filed maps shall be made available to the public at a reasonable cost.

Source: 46:23-9.15.

46:26B-7. Duplicates of maps in cities having atlases or block maps.

Whenever a map is filed in the office of the county recording officer of land in a municipality that has an atlas, or block map, on which is plotted the lots or subdivision of lots of lands, the person filing the map shall file a duplicate of the map, and the recording officer shall indorse on the duplicate the time of recording and filing of the original and deliver the duplicate to the officer of the city having charge of the atlas or block map.

This section shall have no application to maps filed by commissioners appointed to assess benefits derived from the construction of sewers, drains or other municipal improvements.

Source: 46:23-10.

46:26B-8. Approval and filing of duplicates of filed maps.

Whenever a map has been filed in the office of the county recording officer, and copies of it have been made that differ from the original only in title or style, and there have been made conveyances or liens, under which the lands intended to be conveyed or liened have been described by reference to the unfiled copy, the governing body of the municipality in which the land is located, by resolution, may approve the copy for filing in the manner prescribed by law. This approval and filing shall not constitute a dedication of the streets or lot locations as therein delineated and shall be merely for the identification of the lands conveyed or liened.

Source: 46:23-11.

CHAPTER 26C GENERAL AND TRANSITIONAL

46:26C-1. Regulations.

a. The Division of Archives and Records Management in the Department of State in consultation with the County Clerks and Registers of Deeds and Mortgages shall adopt regulations to establish format and technical requirements for recorded documents to foster state-wide uniformity in title recordation and otherwise to implement P.L.2011, c.217 (N.J.S.46:26A-1 et al.).

b. Regulations shall be adopted within 12 months after the effective date of P.L.2011, c.217 (N.J.S.46:26A-1 et al.).

Source: New.

46:26C-2. "Uniform Electronic Transactions Act" superseded.

The provisions of P.L.2011, c.217 (N.J.S.46:26A-1 et al.) shall take precedence over any conflicting provisions contained in sections 17 and 18 of the "Uniform Electronic Transactions Act," P.L.2001, c.116 (C.12A:12-17 and 12A:12-18).

The provisions of P.L.2011, c.217 (N.J.S.46:26A-1 et al.) shall modify, limit and supersede the federal Electronic Signatures in Global and National Commerce Act (15 U.S.C. s.7001, et seq.) but shall 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)).

Source: New.

46:26C-3 Review of Document Filing and Recording Fees.

a. Within two years of the effective date of P.L.2011, c.217 (N.J.S.46:26A-1 et al.), the Division of Archives and Records Management in the Department of State and the Department of the Treasury shall adopt rules and regulations requiring county clerks and registers of deeds and mortgages to report the number of documents recorded or filed and all document filing and recording fees that are collected by their offices, categorized by document type, to the division and to the department. The rules and regulations shall develop and implement a standard form and procedure for county clerks and registers of deeds and mortgages to utilize and follow in order to report the number of each type of document and the document filing and recording fees collected by their offices in order to enable the division and the department to prepare the reports required pursuant to this section. The standard form and procedure shall also identify the filing and recording fees delivered to the State Treasurer for deposit in the "New Jersey Public Records Preservation Account," established pursuant to section 39 of P.L. 2003, c.117 (C.22A:4-4.2).

b. Within three years of the effective date of P.L.2011, c.217 (N.J.S.46:26A-1 et al.), the Division of Archives and Records Management in the Department of State and the Department of the Treasury shall issue an interim report, displaying in a clear and concise manner, the information reported pursuant to subsection a. of this section, up to that point in time. The report shall specify, for each county, the time frame covered by the re-

port, the number of documents recorded or filed categorized by document type and shall display the corresponding gross recording fee received by the clerk or register (before distribution or allocation to any dedicated fund) for each document type.

c. Within four years of the effective date of P.L.2011, c.217 (N.J.S.46:26A-1 et al.), the Division of Archives and Records Management in the Department of State and the Department of the Treasury shall issue a final report displaying in a clear and concise manner, the information reported pursuant to subsection a. of this section, up to that point in time. The report shall specify, for each county, the time frame covered by the report, the number of documents recorded or filed categorized by document type and shall display the corresponding gross recording fee received by the clerk or register (before distribution or allocation to any dedicated fund) for each document type. The report shall also specify an average state-wide fee for the filing or recording of each type of document based upon the information reported by the clerks and registers pursuant to this section. The report may contain recommendations of the division and the department to the Legislature for the establishment of standard per document filing and recording fees.

d. A copy of the interim report required pursuant to subsection b. of this section and the final report, required pursuant to subsection c. of this section, shall be delivered to each member of the legislature, to each county clerk and register of deeds and mortgages and shall be made available to members of the general public by posting an electronic copy on the official web site for the State of New Jersey.

e. Five years after the date of adoption of P.L.2011, c.217 (N.J.S.46:26A-1 et al.), the Legislature shall consider the establishment of standard per document filing or recording fees for each type of document which is filed or recorded with a county recording officer. Standard per document filing and recording fees shall be set so that the per document fee is no less than the average fee for the filing or recording of the document as set forth in the final report required to be issued pursuant to subsection c. of this section. Any amendments to sections 38 and 39 of P.L.2003, c.117 (C.22A:4-4.1 and 22A:4-4.2) for the purpose of establishing standard per document filing or recording fees shall not reduce the amount of revenue required to be deposited in the "New Jersey Public Records Preservation Account" or for the local government records management grant program related thereto pursuant to the provisions of section 39 of P.L.2003, c.117 (C.22A:4-4.2) or the county clerks' or registers' dedicated trust accounts pursuant to sections 7 and 13 of P.L.2001, c.370 (C.22A:4-17 and C.22A:2-51.1).

Source: New

Repealer.

2. The following are repealed:
 - R.S.46:15-1.1;
 - R.S.46:16-1;
 - Section 1 of P.L.1939, c.170 (C.46:16-1.1);
 - R.S.46:16-2;
 - R.S.46:16-3;
 - R.S.46:16-4;
 - Sections 1 through 3 of P.L.1941, c.389 (C.46:16-4.1 through 46:16-4.3)
 - R.S.46:16-5;
 - P.L.1943, c.147, s.1 (C.46:16-5.1);
 - R.S.46:16-6 through R.S.46:16-14;
 - Sections 1 through 5 of P.L.1979, c.406 (C.46:16A-1 through 46:16A-5);
 - R.S.46:17-1 through R.S.46:17-4;
 - R.S.46:18-1 through R.S.46:18-4;
 - R.S.46:18-5.1;
 - R.S.46:18-12;
 - R.S.46:19-1 through R.S.46:19-6;
 - R.S.46:20-1 through R.S.46:20-5;
 - R.S.46:21-1 through R.S.46:21-4;
 - R.S.46:22-1 through R.S.46:22-4;
 - Sections 7 and 8 of P.L.1953, c.358 (C.46:23-9.7 and 46:23-9.8);
 - Sections 1 through 8 of P.L.1960, c.141 (C.46:23-9.9 through 46:23-9.16);
 - Section 3 of P.L.1998, c.23 (C. 46:23-9.18);
 - R.S.46:23-10 and R.S.46:23-11.

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

Approved January 17, 2012.

CHAPTER 218

AN ACT concerning misuse of labeling on farm products, amending various sections of statutory law, supplementing chapter 10 of Title 4 of the Revised Statutes, and repealing R.S.4:10-15.

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

1. R.S.4:10-5 is amended to read as follows:

Use of outline of State on products; license; penalty.

4:10-5. No person shall use the outline of this State on packages or devices containing farm products or to otherwise advertise or promote such farm products unless the person is licensed by the department so to do.

Upon application for such a license and upon being satisfied that any farm products to be sold by the applicant conform to official standards promulgated by the department, the department may issue a license in the name of the State, permitting the person to use the outline on any such package, device, or advertising.

The form of the application and the license shall be determined by the department.

The license may be revoked by the department at any time for good cause shown after notice and an opportunity to be heard and subject to the right of appeal to the State board.

A person who shall violate the provisions of this section shall be liable to a penalty of \$100, to be collected in a civil action in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) and paid to the General Fund. The Superior Court and the municipal court shall have jurisdiction to enforce the provisions of the "Penalty Enforcement Law of 1999" in connection with this section. Each package or device improperly labeled in violation of this section shall constitute a separate violation.

2. R.S.4:10-9 is amended to read as follows:

Disposition and use of fees collected.

4:10-9. All fees and other moneys collected under this chapter by the secretary and the employees or agents of the department, shall be paid into the General Fund, and shall be appropriated for the use of the department in carrying out the provisions of this chapter when authorized by any appropriation act.

3. Section 1 of P.L.1956, c.88 (C.4:10-13.1) is amended to read as follows:

C.4:10-13.1 Marketing of farm products; advertising.

1. No person shall designate, display any sign designating, or advertise any business as a "farmers' market," "farmers' auction market," or use words in connection therewith the general import of which would indicate or tend to indicate to the public at large that farm products as defined in R.S.4:10-1 are dealt with therein, unless such farm products are the principal commodities displayed and offered for sale or sold in the operation of such business.

4. R.S.4:10-14 is amended to read as follows:

Penalty for violations or interference.

4:10-14. a. A person who shall:

(1) except as provided for pursuant to subsection b. of this section, violate any provision of this chapter or any rules or regulations adopted pursuant thereto to implement any such provision;

(2) fail to comply with any requirement of this chapter;

(3) with intent to deceive, answer or report falsely in response to any requirement of this chapter; or

(4) knowingly interfere with the secretary, or the employees or agents of the department, in the performance of duties prescribed by this chapter--

Shall for the first offense be liable to a penalty of not more than \$100, and for any subsequent offense be liable to a penalty of not more than \$200, to be collected in a civil action in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court and the municipal court shall have jurisdiction to enforce the provisions of the "Penalty Enforcement Law of 1999" in connection with this section. The penalty when recovered shall be paid to the General Fund. Whenever a violation of this section involves false, misleading, or improper labeling of farm products, each package shall constitute a separate violation.

b. The provisions of subsection a. of this section shall not apply to violations of R.S.4:10-5, or any rules or regulations adopted pursuant thereto.

5. Section 6 of P.L.1939, c.136 (C.4:10-21) is amended to read as follows:

C.4:10-21 Printing of labels; license to use brand.

6. The Secretary of Agriculture shall cause to be printed labels bearing a State brand in sufficient quantities to meet the demand therefor and

may sell such labels at a price to be fixed by the Secretary of Agriculture. As an alternative method, the Secretary of Agriculture may, in accordance with rules and regulations adopted by the department, rent dies or cuts of the State brand to persons or organizations desiring to manufacture their own labels for use on fresh or processed farm products owned and packed by them, at a price to be fixed by the Secretary of Agriculture. When a brand bearing the outline of the map of the State is desired to be used, the applicant shall secure a license for its use as provided in R.S.4:10-5.

6. Section 10 of P.L.1939, c.136 (C.4:10-25) is amended to read as follows:

C.4:10-25 Restraint of unauthorized use of State brand, outline.

10. The Secretary of Agriculture, in conjunction with the Division of Consumer Affairs in the Department of Law and Public Safety, shall have the power, by injunction or otherwise, to restrain any person or organization using or attempting to use any State brand or the use of the outline of the State, except in accordance with the provisions of R.S.4:10-5 or P.L.1939, c.136 (C.4:10-16 et seq.). Notwithstanding any law, rule, or regulation to the contrary, Department of Agriculture inspectors may issue citations to any person suspected of using, or attempting to use, any State brand or the outline of the State, except in accordance with the provisions of R.S.4:10-5 or P.L. 1939, c.136 (C.4:10-16 et seq.).

C.4:10-19.2 Fraudulent advertising of NJ product; violations, penalties.

7. A person shall not advertise, or in any way imply in any advertising or on any packages or devices, that any produce, seafood, dairy, or other agricultural product has been produced in New Jersey unless the produce, seafood, dairy, or other agricultural product was produced in New Jersey or the waters thereof.

A person who shall violate the provisions of this section shall be liable to a penalty of \$100 to be collected in a civil action in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) and paid to the General Fund. The Superior Court and the municipal court shall have jurisdiction to enforce the provisions of the "Penalty Enforcement Law of 1999" in connection with this section. Each package or device improperly labeled in violation of this section shall constitute a separate violation.

The Secretary of Agriculture, in conjunction with the Division of Consumer Affairs in the Department of Law and Public Safety, shall have the power, by injunction or otherwise, to restrain any person or organization

violating the provisions of this section. Notwithstanding any law, rule, or regulation to the contrary, Department of Agriculture inspectors may issue citations to any person suspected of violating the provisions of this section.

Repealer.

8. R.S.4:10-15 is hereby repealed.

9. This act shall take effect immediately.

Approved January 17, 2012.

CHAPTER 219

AN ACT concerning the imposition of standby charges upon distributed generation customers and supplementing Title 48 of the Revised Statutes.

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

C.48:2-21.37 Definitions relative to imposition of standby charges.

1. As used in this act:

“Board” means the Board of Public Utilities.

“Demand charge” means a charge imposed by an electric public utility which is based upon peak electricity demand during a specified time period, typically, one month. A demand charge is utilized to recover the capital cost of infrastructure necessary to meet peak energy loads. Capacity measured in kilowatts or megawatts represents the ability of an electric public utility, or the electric power grid in the aggregate, to deliver electric service of a peak level of demand during any period of time.

“Distributed generation” means energy generated from a district energy system or a combined heat and power facility as that term is defined in section 3 of P.L.1999, c.23 (C.48:3-51), the simultaneous production in one facility of electric power and other forms of useful energy such as heating or process steam, and energy generated from other forms of clean energy efficient electric generation systems.

“Standby charge” means a charge imposed by an electric public utility upon a distributed generation facility for the recovery of costs necessary to make energy available to the distributed generation facility during a facility power outage including, but not limited to, the allocation of reasonable capital investment costs and operating and maintenance expenses associated with the electric public utility’s infrastructure needed to provide such service.

C.48:2-21.38 Study to determine effects of distributed generation.

2. Notwithstanding the provisions of any other law, rule, regulation, or order to the contrary, the board shall, within 120 days of the effective date of P.L.2011, c.219 (C.48:2-21.37 et seq.), conduct a study to determine the effects of distributed generation upon energy supply and demand and determine whether distributed generation contributes to any cost savings for electric public utilities.

C.48:2-21.39 Establishment of criteria for fixing rates.

3. a. The board shall, within 180 days of the effective date of P.L.2011, c.219 (C.48:2-21.37 et seq.), establish criteria for fixing rates associated with the assessment and imposition of standby charges, and shall require electric public utilities to file tariff rates with the board in accordance with such criteria.

b. In establishing such criteria, the board shall ensure equity between distributed generation customers and other electric public utility customers with regard to the imposition of standby charges and, in addition to any factors it deems relevant and such factors as it may consider pursuant to R.S.48:2-21, consider the following factors:

(1) any findings of the study conducted by the board pursuant to section 2 of P.L.2011, c.219 (C.48:2-21.38);

(2) the impact of demand charges and how they drive the operating performance of projects utilizing distributed generation, particularly during peak electricity demand periods; and

(3) the economic and environmental benefits the board finds are associated with distributed generation.

c. In establishing the criteria for fixing rates pursuant to subsection b. of this section, the board shall assess the feasibility of including guidelines for the allowance of special discounted charges for distributed generation customers as part of the criteria. In making such assessment, the board shall consider cost savings to electric public utilities resulting from distributed generation and any other benefits associated with distributed generation, including, but not limited to, any increase in energy efficiency and any associated decrease in demand for electric power from the electric grid.

C.48:2-21.40 Rules, regulations.

4. The board shall, pursuant to the provisions of the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) adopt rules and regulations to effectuate the purposes of P.L.2011, c.219 (C.48:2-21.37 et seq.).

5. This act shall take effect immediately.

Approved January 17, 2012.

CHAPTER 220

AN ACT appropriating monies from the "Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003," P.L.2003, c.162 to finance the costs of a State flood control project.

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

1. a. There is appropriated to the Department of Environmental Protection from the "2003 Dam, Lake, Stream and Flood Control Project Fund," established pursuant to section 15 of the "Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003," P.L.2003, c.162, the sum of \$1,047,000 to finance the costs of the following State flood control project:

Project	Project Sponsor	Grant Amount
Flood Control Project	Sayreville Borough	\$1,047,000
Total		\$1,047,000

b. Any unexpended balance of the amount listed in this section remaining after completion of the State flood control project listed in subsection a. of this section shall be returned to the "2003 Dam, Lake, Stream and Flood Control Project Fund" for reappropriation to finance the costs of additional projects authorized pursuant to section 16 of P.L.2003, c.162.

2. This act shall take effect immediately.

Approved January 17, 2012.

CHAPTER 221

AN ACT concerning entities under the regulatory or licensing jurisdiction of the Board of 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.48:5A-10.1 Electronic filing of documents by cable television companies.

1. a. Notwithstanding the provisions of any law, rule, regulation, or order to the contrary, the board shall, consistent with federal law, establish, on its official Internet site, a secure online process to allow cable television companies to complete online any documents the board requires by regulation or order to be submitted to it by cable television companies, and electronically submit completed documents for review and approval by the appropriate officer of the board.

b. Subsection a. of this section shall not be construed as prohibiting the filing of documents with the board by non-electronic means if such non-electronic filing is required pursuant to court order, federal law, contract, or any other applicable legal requirement.

C.48:5A-10.2 Electronic filing of documents by public utilities.

2. a. Notwithstanding the provisions of any law, rule, regulation, or order to the contrary, the board shall, consistent with federal law, establish, on its official Internet site, a secure online process to allow public utilities operating under the board's jurisdiction pursuant to R.S.48:2-13 to complete online any documents the board requires by regulation or order to be submitted to it by such public utilities, and electronically submit completed documents for review and approval by the appropriate officer of the board.

b. Subsection a. of this section shall not be construed as prohibiting the filing of documents with the board by non-electronic means if such non-electronic filing is required pursuant to court order, federal law, contract, or any other applicable legal requirement.

C.48:5A-10.3 Electronic filing of documents by entities under jurisdiction of BPU.

3. a. Notwithstanding the provisions of any law, rule, regulation, or order to the contrary, the board shall, consistent with federal law, establish, on its official Internet site, a secure online process to allow entities licensed by or otherwise operating under the jurisdiction of the board pursuant to P.L.1999, c.23 (C.48:3-49 et al.), to complete online any documents the board requires by regulation or order to be submitted to it by such entities, and electronically submit completed documents for review and approval by the appropriate officer of the board.

b. Subsection a. of this section shall not be construed as prohibiting the filing of documents with the board by non-electronic means if such

non-electronic filing is required pursuant to court order, federal law, contract, or any other applicable legal requirement.

4. This act shall take effect on the first day of the twenty-fourth month following enactment, but the Board of Public Utilities may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved January 17, 2012.

CHAPTER 222

AN ACT requiring an owner taking title to certain residential property through sheriff's sale to register with the municipality and any association or common interest community and supplementing Title 46 of the Revised Statutes.

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

C.46:10B-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, other than an owner who has previously provided notice to the municipality pursuant to section 17 of P.L.2008, c.127 (C.46:10B-51), 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 January 17, 2012.

CHAPTER 223

AN ACT concerning the provision of fresh produce to urban communities, and supplementing Title 4 of the Revised Statutes.

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

C.4:10-25.3 Short title.

1. This act shall be known, and may be cited, as the “New Jersey Fresh Mobiles Pilot Program Act.”

C.4:10-25.4 Findings, declarations, determinations relative to provision of fresh produce to urban communities.

2. a. The Legislature finds and declares that there are certain urban areas of the State, known as “food desert” communities, in which residents are unable to obtain reasonable and adequate access to nutritious foods and, in particular, to fresh fruits and vegetables; that the inaccessibility of nutritious food in urban food desert communities has been attributed, in large part, to the absence therein of supermarkets, grocery stores, and farmers’ markets and the prevalence therein of businesses like liquor stores and convenience marts, which provide convenient and affordable access only to pre-processed foods, generally high in empty calories, sugar, unhealthy preservatives, and harmful fats, and low in nutritional value; that low-income families are more likely than others to live in urban food desert communities and to lack the transportation or financial resources necessary to reach distant wholesome markets; that, as is evidenced by the work of various non-profit and private entities across the United States, the accessibility to, desire for, and use of, fresh produce by residents of urban food desert communities can be improved through the provision of mobile farmers’ markets, which regularly travel to and from these communities, and which provide fresh produce to residents situated therein; and that the institution of a mobile farmers’ market initiative is a reasonable means by which to ensure that residents of urban food desert communities in the State are provided with reasonable access to nutritious, fresh, and delicious produce, and are afforded the opportunity thereby to make healthier eating choices for themselves and for their families.

b. The Legislature therefore determines that it is both reasonable and necessary to authorize the Department of Agriculture to develop and assist in the implementation of a pilot program to establish a mobile farmers’ market initiative that will provide a consistent, and easily accessible, source

of fresh produce to residents in urban food desert communities in municipalities selected to participate in the pilot program.

C.4:10-25.5 Definitions relative to provision of fresh produce to urban communities.

3. For the purposes of this act:

“Department” means the Department of Agriculture.

“Federal food stamp assistance program” means the federal food stamp program authorized by Title XIII of the “Food and Agriculture Act of 1977,” Pub.L.95-113 (7 U.S.C. s.2011 et seq.).

“Federal WIC program” means the Special Supplemental Nutrition Program for Women, Infants and Children, established pursuant to the federal “Child Nutrition Act of 1966,” Pub.L.89-642 (42 U.S.C. s.1771 et seq.).

“Fresh mobile vendor” or “vendor” means a person who has been qualified, pursuant to paragraph (1) of subsection b. of section 4 of this act, to provide fresh produce to residents of urban food desert communities.

“Fresh Mobiles Initiative” or “Initiative” means the “New Jersey Fresh Mobiles Initiative Pilot Program,” established and developed pursuant to this act.

“Low-income food voucher” means any type of food voucher, coupon, stamp, certificate, written authorization, or benefits card, which has been issued to a person by a government entity in accordance with the provisions of the federal food stamp assistance program, the Supplemental Nutrition Assistance Program, the federal WIC program, the New Jersey Supplementary Food Stamp Program, the Work First New Jersey program, or any other federal or State level nutrition or income assistance program now or hereafter established by law.

“Mobile venue” means a food truck or other vehicle serving as a base of operations from which a fresh mobile vendor may offer fresh produce for sale to consumers in urban food desert communities through participation in the Fresh Mobiles Initiative Pilot Program.

“New Jersey Supplementary Food Stamp Program” means the State level food stamp program, established pursuant to P.L.1998, c.32 (C.44:10-79 et seq.), which applies to non-citizens who were rendered ineligible for federal food stamp program assistance by section 402 of the federal “Personal Responsibility and Work Opportunity Reconciliation Act of 1996,” Pub.L.104-193 (8 U.S.C. s.1612).

“Participating municipality” means a municipality, or physically contiguous urban area in the State, which qualifies as an urban food desert selected by the Secretary of Agriculture to participate in the Fresh Mobiles Initiative Pilot Program established pursuant to this act.

“Secretary” means the Secretary of Agriculture.

“Supplemental Nutrition Assistance Program” means the supplemental nutrition assistance program, established pursuant to the federal “Food and Nutrition Act of 2008,” Pub.L.88-525 (7 U.S.C.s.2011 et seq.).

“Urban food desert,” “urban food desert community,” or “community” means a municipality, or physically contiguous urban area in the State, in which residents have limited access to nutritious foods, such as fresh fruits and vegetables, through supermarkets, grocery stores, and farmers’ markets.

“Vendor supply area” means a specific street location in a participating municipality where qualified fresh mobile vendors may offer their fresh produce for sale to consumers as part of the pilot program authorized pursuant to this act.

“Work First New Jersey” means the Work First New Jersey temporary public assistance program, established pursuant to P.L.1997, c.38 (C.44:10-55 et seq.) in accordance with authorization received under Title IV of the federal “Personal Responsibility and Work Opportunity Reconciliation Act of 1996,” Pub.L.104-193 (8 U.S.C. s.1601 et seq.).

C.4:10-25.6 Mobile farmers’ market pilot program.

4. a. In order to promote and facilitate improved access to fresh produce by low-income residents of urban food deserts, the Department of Agriculture shall develop and assist in the implementation of a mobile farmers’ market pilot program, to be known as the “New Jersey Fresh Mobiles Initiative.” The pilot program shall operate in one or more municipalities, selected by the Secretary of Agriculture, in which residents have limited access to nutritious foods through supermarkets, grocery stores, and farmers’ markets, which agree to participate in the program. The department shall identify, on its Internet website, the municipalities selected for participation, and the vendor supply areas at which, and the times during which, fresh mobile vendors will be accessible for community residents. The pilot program shall operate for a period of at least one year. No later than one year after the pilot program is established and becomes effective, the department shall submit to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature, a written report containing information on the implementation of the pilot program, including a recommendation on the feasibility and desirability of implementing the initiative on a Statewide basis.

b. As a part of the Fresh Mobiles Initiative Pilot Program, the department shall be authorized to:

(1) establish qualifications for fresh mobile vendors and assist the participating municipalities in identifying and recruiting appropriate qualified persons to act as fresh mobile vendors in the pilot program to be operated in the participating municipality, provided that the vendors agree to accept any low-income food vouchers as payment at the mobile venues established under the pilot program as a condition of participation in the program;

(2) assist the participating municipalities in designating one or more vendor supply areas to be used for vendor sales, which designations shall ensure a high level of accessibility to vendors by community residents;

(3) coordinate and encourage partnerships between the participating municipalities and such fresh mobile vendors as deemed necessary to better enable and ensure the prompt or efficient delivery of fresh produce to urban food desert communities and the provision of a year-round supply of fresh produce through the pilot program;

(4) take appropriate actions to encourage consumer participation in the initiative and increase consumer familiarity with regard to the various types of produce offered by fresh mobile vendors;

(5) take appropriate actions to encourage, at the discretion of the individual fresh mobile vendor, the acceptance of any method of payment, including, but not limited to, cash, credit, or check;

(6) develop educational and informational materials for distribution to consumers, which materials may incorporate information pertaining to the nutritional value of fruits and vegetables, the importance of incorporating fresh produce into the diet, or any other topic that is relevant to the work of the initiative; and

(7) take such other actions, including but not limited to adopting rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), that the secretary deems necessary or appropriate to implement the provisions of this act.

C.4:10-25.7 Identification, recruitment of vendors.

5. a. The department shall work with participating municipalities to identify and recruit appropriate and qualified persons to serve as vendors to provide fresh produce for sale to residents in urban food desert communities in participating municipalities.

b. In implementing subsection a. of this section, the department shall use to the maximum extent practicable in-State produce farmers, collaborative farmers' organizations, or private, non-profit, or governmental entities that are engaged in fresh produce rescue efforts, such as the New Jersey Agricultural Society in its "Farmers Against Hunger" program and the New Jersey Federa-

tion of Food Banks, which is the network of food banks which exist in New Jersey. The department shall encourage the State's produce farmers and other entities to participate in the initiative as fresh mobile vendors.

The department shall make reasonable efforts to ensure, through the adoption of appropriate regulatory requirements or otherwise, that a consistent, year-round supply of reasonably priced fresh produce, sufficient to satisfy the fresh produce needs of residents in the urban food desert communities in the participating municipalities, will be made available by the fresh mobile vendors recruited to participate in the pilot program. In the event that in-State produce farmers are unable to meet the needs of residents in the designated communities, the secretary may recruit out-of-State produce farmers to meet those needs.

C.4:10-25.8 Eligibility for participation as consumer in Fresh Mobiles Initiative.

6. a. Any person may participate as a consumer in the Fresh Mobiles Initiative.

b. A person who is currently enrolled as a participant in:

- (1) the federal food stamp assistance program;
- (2) the Supplemental Nutrition Assistance Program;
- (3) the federal WIC program;
- (4) the New Jersey Supplementary Food Stamp Program;
- (5) Work First New Jersey; or

(6) any other federal or State level nutrition or income assistance program now or hereafter established by law may use, to the extent such use is consistent with the requirements of the programs, low-income food vouchers to purchase fruits and vegetables from fresh mobile vendors.

c. The department may adopt rules and regulations as necessary to facilitate the acceptance of low-income food vouchers by fresh mobile vendors in accordance with subsection b. of this section and paragraph (1) of subsection b. of section 4 of this act.

C.4:10-25.9 "New Jersey Fresh Mobiles Operation Fund."

7. a. The Secretary of Agriculture is authorized to receive and expend, for the purposes specified in subsection b. of this section, any moneys that are obtained thereby through:

(1) appropriations or allocations of funds to the department for purposes consistent with this act, except for moneys allocated for the State Food Purchase Program;

(2) grant or loan awards made available to the department for purposes consistent with this act;

(3) direct contributions, gifts, legacies, bequests, or endowments for purposes consistent with this act; and

(4) any other source for purposes consistent with this act.

b. The secretary shall deposit all moneys received pursuant to subsection a. of this section in a special account to be known as the "New Jersey Fresh Mobiles Operation Fund." The secretary may expend the moneys deposited in the fund, in addition to any interest accrued thereon, and any dividends and returns resulting from investment of the moneys in the fund, for any of the following purposes:

(1) advertising and publicizing the initiative;

(2) developing and distributing educational materials as part of the initiative;

(3) providing financing for any studies that are reasonably necessary to evaluate the efficacy of the Fresh Mobiles Initiative Pilot Program;

(4) offsetting any costs incurred by the department or participating municipalities in complying with the provisions of this act; and

(5) providing financing for any other activity or endeavor that is consistent with the purposes of this act, and that will support, or facilitate the efficient and effective operation of, the Fresh Mobiles Initiative Pilot Program.

8. This act shall take effect on the first day of the sixth month following enactment, except that the Secretary of Agriculture may take such anticipatory action as may be necessary to implement the provisions of this act.

Approved January 17, 2012.

CHAPTER 224

AN ACT concerning municipal finances and certain surplus municipal free library funds, amending R.S.40:54-15 and R.S.40:54-19, and supplementing chapter 4 of Title 40A of the New Jersey Statutes.

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

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

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

40:54-15. a. The board of trustees shall make an annual report to the chief financial officer of the municipality which shall include a statement

setting forth in detail all public revenues received by the library, all State aid received by the library, all expenditures made by the library and the balance of funds available. Notwithstanding the requirements of R.S.40:54-8 pertaining to the amount required to be raised and appropriated for library purposes, the annual report shall identify excess funds that the board is required to approve and transfer to the municipality as miscellaneous revenue. The excess funds transferred shall be any amount that exceeds the sum of the amount of the audited operating expenditures of the library for the most recent available year, plus an additional 20% of those operating expenditures, excluding: (1) funds restricted for capital projects and grants; and (2) any devise, bequest, or donation made to establish or maintain the free public library, to be maintained as surplus. The annual report shall also include an analysis of the state and condition of the library and shall be sent to the municipal governing body and to the State Library. The State Librarian shall prescribe by regulation the form of all such reports.

b. (1) Except as limited in paragraph (2) of this subsection, the board of trustees of a municipal free library shall adopt a resolution of its intent to transfer excess funds to the municipality, as identified in its annual report pursuant to subsection a. of this section.

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

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

(1) the municipal free library will still retain a sum equal to the amount of the audited operating expenditures of the library for the most recent available year plus an additional 20% of that amount, excluding: (a) funds restricted for capital projects and grants; and (b) any devise, bequest, or donation made to establish or maintain the municipal free library, to be maintained as surplus;

(2) the municipality and the municipal free library are in compliance with all conditions imposed by rule or regulation promulgated by the State Librarian for per capita library aid to public libraries according to the "state

library aid law," N.J.S.18A:74-1 et seq., and pertaining to appropriations for the maintenance of a municipal free library according to R.S.40:54-8 or section 2 of P.L.1959, c.155 (C.40:54-29.4) in the case of a joint free public library;

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

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

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

2. R.S.40:54-19 is amended to read as follows:

Devises and bequests to trustees.

40:54-19. The board of trustees may receive, hold and manage any devise, bequest or donation heretofore made or hereafter to be made and given for the establishment, increase or maintenance of a free public library within the municipality. Any devise, bequest, or donation made pursuant to this section shall not be deemed surplus or transferred by the board of trustees, pursuant to the provisions of R.S.40:54-15, to the municipality.

C.40A:4-89 Issuance of notes.

3. Any municipality that has ended the previous budget year with a deficit in operations caused, whether in whole or in part, by obligations created from tax appeals, may issue notes with the approval of the Local Finance Board on such conditions as the Local Finance Board deems appropriate. The amount of notes authorized pursuant to this provision shall not exceed the cash payments or tax credits due to tax appeals and shall be authorized by a bond ordinance approved by the Local Finance Board.

4. This act shall take effect immediately and sections 1 and 2 shall be retroactive to October 27, 2010.

Approved January 17, 2012.

CHAPTER 225

AN ACT concerning the disposition of certain State computers and certain other electronic devices, supplementing P.L.1944, c.112 (C.52:27B-1 et seq.), and amending P.L.1999, c.194.

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

C.52:27B-67.2 Definitions relative to the disposition of certain State computers, other electronic devices.

1. a. As used in this section:

"Computer" means an electronic, magnetic, optical, electrochemical or other high speed data processing device or another similar device capable of executing a computer program, including arithmetic, logic, memory, data storage or input-output operations and includes all computer equipment connected to the device, but shall not include an automated typewriter or typesetter or a portable, hand-held calculator.

"Computer equipment" means any equipment or device, including all input, output, processing, storage, or communications facilities, intended to interface with the computer.

"Computer system" means a set of interconnected computer equipment intended to operate as a cohesive system.

"Data" means information, facts, concepts, or instructions contained in a computer, computer equipment, or computer system. It shall also include, but not be limited to, any alphanumeric, hexadecimal, octal or binary code.

"Data base" means a collection of data.

"Division" means the Division of Purchase and Property in the Department of the Treasury.

"Portable communication device" means a computer that is designed to be personally portable and capable of sending, receiving, storing, reproducing, or displaying communications or information.

"State entity" means any department, institution, commission, board, body, or other agency of the State.

b. The director of the division, in consultation with the Chief Technology Officer of the Office of Information Technology, in but not of the Department of the Treasury, shall develop a program regarding the disposition of any computer, computer equipment, or portable communication device in the custody and control of any State entity that the entity determines to be surplus, obsolete or no longer suitable for the purpose for which it was intended. The program may include procedures concerning the redis-

tribution of items among State entities, the distribution of items to local governmental entities, boards of education, nonpublic schools and non-profit charitable corporations pursuant to section 1 of P.L.1999, c.194 (C.52:27B-67.1), the public purchase of items, and the final disposal of items not distributed or purchased.

c. In accordance with regulations promulgated by the director of the division, whenever a State entity possesses any unused computer, computer equipment, or portable communication device that includes a hard drive or other data storage device and is unable to redistribute the item for further use within the entity, that entity shall:

(1) declare the item to be surplus, obsolete or no longer suitable for the purpose for which it was intended, subject to further disposition by the division;

(2) in the case of any computer, computer equipment, or portable communication device, remove all data storage devices and destroy such devices by any means approved by the Office of Information Technology concerning data security as authorized pursuant to "The Office of Information Technology Reorganization Act," sections 6 through 16 of P.L.2007, c.56 (C.52:18A-224 through C.52:18A-234);

(3) notify the division with respect to the entity's declaration of the item as surplus, obsolete or no longer suitable for the purpose for which it was intended, and include in that notice:

(a) a certification of the removal of all data storage devices pursuant to paragraph (2) of this subsection, if applicable; and

(b) the name and contact information, including a telephone number, of the director of information technology for that entity, the person named in the certification accompanying the notice pursuant to subparagraph (a) of this paragraph, or another person with knowledge regarding the entity's declaration of the item as surplus, obsolete or no longer suitable for the purpose for which it was intended.

d. (1) The director of the division shall coordinate the redistribution or disposition of any item declared by a State entity to be surplus, obsolete or no longer suitable for the purpose for which it was intended to another State entity, by developing and maintaining a comprehensive list for all State entities consisting of their directors of information technology and relevant contact information.

(2) Upon receipt of a notice from a State entity declaring an item to be surplus, obsolete or no longer suitable for the purpose for which it was intended pursuant to paragraph (3) of subsection c. of this section, the director shall determine whether such item is suitable for redistribution to another

State entity. Items deemed suitable for redistribution shall be offered with appropriate written notice to all other State entities through their directors of information technology. The director may establish appropriate deadlines for responses from interested State entities, which shall respond to the director in writing with a request for such item. In determining how to fairly and equitably prioritize requests and allocate items that are requested by more than one entity, the director shall have the discretion to direct surplus items to the highest possible use, acting in the best interest of the State.

e. If an item that has been declared by a State entity to be surplus, obsolete or no longer suitable for the purpose for which it was intended and has been deemed suitable for redistribution is not claimed by another State entity pursuant to subsection d. of this section, then the director of the division may declare the item eligible for distribution to local governmental entities, boards of education, nonpublic schools and nonprofit charitable corporations pursuant to section 1 of P.L.1999, c.194 (C.52:27B-67.1).

f. The director of the division may, with the State Treasurer's approval, take any item that is not otherwise distributed pursuant to the provisions of this section or section 1 of P.L.1999, c.194 (C.52:27B-67.1) and dispose thereof, and thereupon the director shall pay the proceeds arising from the item's disposition into the General Fund of the State.

g. The State shall not be liable for any damages that may result from the use or operation of any computer, computer equipment, or portable communication device distributed or purchased pursuant to this section.

h. Within 18 months of the effective date of this act, P.L.2011, c.225, the director of the division shall issue a report to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), regarding the disposition programs and data security measures established pursuant to this act.

2. Section 1 of P.L.1999, c.194 (C.52:27B-67.1) is amended to read as follows:

C.52:27B-67.1 Distribution of surplus computer equipment.

1. a. (1) Whenever any computer, computer equipment, or portable communication device in the custody and control of any State department, institution, commission, board, body, or other agency of the State is deemed by that State entity to be surplus, obsolete or no longer suitable for the purpose for which it was intended pursuant to subsection c. of section 1 of P.L.2011, c.225 (C.52:27B-67.2), and the item is not claimed by another State entity pursuant to subsection d. of that section, the Director of the Di-

vision of Purchase and Property in the Department of the Treasury may declare the item available for distribution and make a transfer of the custody and control of the item to local units, boards of education, nonpublic schools or nonprofit charitable corporations organized pursuant to N.J.S.15A:1-1 et seq. in accordance with this section.

(2) To assist in the coordination of any distribution, the director of the division, in consultation with the Division of Property Management and Construction in the Department of the Treasury, shall designate a storage facility to be utilized for holding and processing any item designated for distribution.

(a) The storage facility shall utilize reasonable protocols in order to secure any item being stored, including but not limited to, employee and visitor sign-in procedures, required escorts for each visitor, and multilayered supervision of loading and unloading operations.

(b) The director of the division shall only accept an item at the storage facility from a sending State department, institution, commission, board, body, or other agency for holding and subsequent transfer to local units, boards of education, nonpublic schools or nonprofit charitable corporations that upon arrival at the facility is accompanied by a certification of the removal of all data storage devices pursuant to paragraph (3) of subsection c. of section 1 of P.L.2011, c.225 (C.52:27B-67.2).

b. Whenever such computer, computer equipment, or portable communication device deemed surplus, obsolete or no longer suitable for the purpose for which it was intended cannot be used by local units, boards of education, nonpublic schools or nonprofit charitable corporations, the director may, with the State Treasurer's approval, dispose thereof, and thereupon the director shall pay the proceeds arising from such disposition into the general fund of the State.

c. The director shall develop a plan for the notification and distribution to local units, boards of education, nonpublic schools or nonprofit charitable corporations of computers, computer equipment, or portable communication devices designated as surplus, obsolete or no longer suitable for the purpose for which it was intended by any State department, institution, commission, board, body or other agency of the State. The distribution of any designated item to local units, boards of education, nonpublic schools or nonprofit charitable corporations shall only be permitted through the distribution plan established pursuant to this section.

d. The State shall not be liable for any damages that may result from the use or operation of any transferred computer, computer equipment, or portable communication device.

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

Approved January 17, 2012.

CHAPTER 226

AN ACT concerning certain solar and photovoltaic electric generation equipment constructed and installed by electric public utilities.

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

1. The Board of Public Utilities shall conduct a review of the safety implications of the installation and maintenance of solar and photovoltaic electric generation equipment by electric public utilities in the “neutral” zone on utility poles, defined as the space between the lowest electric public utility facilities located in the utility poles’ supply space and the higher of the highest telecommunications facilities located in the utility poles’ communications space or the reference gain at the bottom of the communications worker safety zone, and shall set forth its determinations no later than 90 days from the date of enactment of this act.

2. This act shall take effect immediately.

Approved January 17, 2012.

CHAPTER 227

AN ACT concerning voluntary contributions through gross income tax returns to support the Girl Scouts councils in New Jersey, supplementing chapter 9 of Title 54A of the New Jersey Statutes.

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

C.54A:9-25.31 “Girl Scouts Councils in New Jersey Fund.”

1. a. There is established in the Department of the Treasury a special fund to be known as the “Girl Scouts Councils in New Jersey Fund.”

b. A taxpayer shall have the opportunity to indicate on the taxpayer's New Jersey gross income tax return that a portion of the taxpayer's tax refund or an enclosed contribution shall be deposited in the "Girl Scouts Councils in New Jersey Fund."

c. Any costs incurred by the Division of Taxation for collection or administration attributable to this section may be deducted from receipts collected pursuant to this section, as determined by the Director of the Division of Budget and Accounting in the Department of the Treasury. The State Treasurer shall deposit net contributions collected pursuant to this section to the "Girl Scouts Councils in New Jersey Fund."

d. The Legislature shall annually appropriate all monies deposited in the "Girl Scouts Councils in New Jersey Fund" established pursuant to this section for distribution in equal amounts among the chartered local councils of the Girl Scouts of the United States of America in New Jersey for the purposes of supporting their programs and services.

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

Approved January 17, 2012.

CHAPTER 228

AN ACT concerning the placement of horse racing wagers at certain locations and supplementing the "Off-Track and Account Wagering Act," P.L.2001, c.199 (C.5:5-127 et seq.).

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

C.5:5-186 Pilot program for placement of horse racing wagers at certain locations.

1. Notwithstanding the provisions of the "Off-Track and Account Wagering Act," P.L.2001, c.199 (C.5:5-127 et seq.), or any other law, rule, or regulation to the contrary, the New Jersey Racing Commission shall implement a pilot program to license a lessee or purchaser of a State-owned racetrack to provide patrons with the ability to place wagers on horse races through electronic wagering terminals to be located at a limited number of eligible taverns, restaurants, and similar venues where food, alcoholic beverages, or both, are served to the public for on-premises consumption, sub-

ject to regulation and control by the commission and as further provided by this act, P.L.2011, c.228 (C.5:5-186).

a. In lieu of a maximum of one off-track wagering facility license that remains to be utilized or implemented by the New Jersey Sports and Exposition Authority or any lessee of the authority under the "Off-Track and Account Wagering Act," P.L.2001, c.199 (C.5:5-127 et seq.), as amended and supplemented, the commission shall issue one license to be awarded to an entity that has entered into an agreement with the authority for the sale or lease of a State-owned racetrack for the establishment at not more than 12 qualified taverns, restaurants, and similar venues, of not more than 20 electronic wagering terminals in total in this State to enable patrons to place wagers on in-State and out-of-State horse races, which wagers shall be placed by eligible patrons who are physically present at those locations. Only one license shall be issued under this pilot program, except that the licensed entity may enter into an agreement with another licensed entity that has also entered into an agreement with the authority for the sale or lease of a State-owned racetrack, to jointly undertake and share the proceeds from the licensed activities under the pilot program, which agreement shall be subject to the approval of the authority. The license issued under this pilot program shall be temporary, subject to review and renewal on an annual basis, and shall expire within three years of issuance of the initial license. When issuing the license, the commission shall require the licensed entity to sign a waiver showing that the licensee understands the terms and conditions of the license.

b. The pilot program authorized pursuant to this act, P.L.2011, c.228 (C.5:5-186), shall be implemented only in the northern part of the State, in Bergen, Hudson, Essex, Passaic, Union, Morris, Somerset, Hunterdon, Warren, Sussex, and northern Middlesex and Ocean counties. The commission shall develop an application form and process, solicit completed applications to be submitted jointly by a lessee or purchaser of a State-owned racetrack and that entity's selected taverns, restaurants, and similar venues located within the aforementioned geographic region, and evaluate each applicant's eligibility using specified criteria which shall include, but not be limited to:

- (1) proof of financial resources sufficient to enable the applicant to establish and conduct the electronic wagering terminals with appropriately staffed and managed operations;
- (2) evidence of good character, honesty, competency and integrity;
- (3) the absence of a conviction for a crime involving fraud, dishonesty or moral turpitude; and

(4) any additional standards and criteria the commission may establish by rule or regulation.

In evaluating an application for a license, the commission shall ensure that each selected applicant has met all required eligibility criteria. In awarding the license, the commission shall also consider the proximity of the applicant's venue to planned or existing racetracks, off-track wagering facilities, and simulcasting facilities in this State. If, in the opinion of the commission, the issuance of a license for the establishment of electronic wagering terminals at the applicant's venue would be inimical to the interests of a planned or established racetrack, off-track wagering facility, or simulcasting facility, the commission shall deny the license even when the applicant has otherwise met all eligibility criteria.

A license issued under this section shall at all times remain the property of the permit holder and shall be subject to all conditions of a participation agreement pursuant to section 4 of P.L.2001, c.199 (C.5:5-130), as amended and supplemented. The permit holder shall be responsible for entering into agreements with qualified taverns, restaurants and similar venues. The permit holder and qualified tavern, restaurant or similar venue shall jointly submit to the commission any applications and information as required by the commission in determining eligibility for a license. The permit holder may terminate agreements for individual licenses with notice to the commission.

c. To effectuate the provisions of this act, P.L.2011, c.228 (C.5:5-186), the commission shall promulgate rules and regulations necessary to:

(1) determine the number of locations at which electronic wagering terminals shall be established under the program, provided that the license shall be limited to a maximum of 12 locations, which maximum number of locations shall be reduced by one per each off-track wagering facility in the authority's share that is newly-established during the implementation of the pilot program, and provided further that not more than 20 electronic wagering terminals shall be established in total in this State;

(2) evaluate the types of electronic wagering terminals and equipment that may be used in wagering, and the number of such machines to be established at each licensed venue, subject to approval by the commission;

(3) develop geographic proximity and impact criteria to determine whether a proposed location would be inimical to the interest of planned or existing racetracks, off-track wagering facilities, and simulcasting facilities in this State, and which criteria shall be used to deny a license as provided under subsection b. of this section;

(4) authorize the licensee to enter into contracts with vendors, operators, and other entities, as the case may be, for the establishment and operation of the approved electronic wagering terminals;

(5) ensure that amounts wagered through the electronic wagering terminals are properly distributed to winning bettors, the licensed venue, and others in a manner similar to that provided under section 44 of P.L.1940, c.17 (C.5:5-64), section 21 of P.L.2001, c.199 (C.5:5-147) for sums wagered on in-State races, and sections 22 through 25 of P.L.2001, c.199 (C.5:5-148 through C.5:5-151) for sums wagered on out-of-State races, except that a local impact fee of 1% of the licensee's share of revenues shall be paid to the host municipality for general municipal purposes;

(6) provide that an amount of the revenues from electronic wagering terminals shall be distributed for the funding of horse racing purses in accordance with the statutes cited under paragraph (5) of this subsection;

(7) ensure that persons under the age of 18 years shall not be permitted within the space in the venue where electronic wagering terminals are placed, and that necessary safeguards are in place to prevent minors from wagering; and

(8) regulate any other aspects of the electronic wagering operation the commission deems appropriate.

d. Notwithstanding any other provision of this act or the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the commission shall, within 90 days of the effective date of this act and after notice provided in accordance with this subsection, authorize the temporary adoption of any rule concerning the conduct of wagering under this act, P.L.2011, c.228 (C.5:5-186). Any temporary rulemaking authorized by this subsection shall be subject to such terms and conditions as the commission may deem appropriate. Notice of any temporary rulemaking action taken by the commission pursuant to this subsection shall be published in the New Jersey Register, and provided to the newspapers designated by the commission pursuant to subsection d. of section 3 of P.L.1975, c.231 (C.10:4-8), at least seven days prior to the implementation of the temporary rules. Nothing herein shall be deemed to require the publication of the text of any temporary rule adopted by the commission or notice of any modification of any temporary rulemaking initiated in accordance with this subsection. The text of any temporary rule adopted by the commission shall be available in each venue participating in the temporary rulemaking and shall be available upon request from the commission. The temporary rules promulgated pursuant to this subsection shall not be effective for more than

180 days unless promulgated in accordance with normal rule-making procedures.

e. Within three years of the issuance of the license under the pilot program, the commission shall issue a report to the Governor, and to the Legislature as provided under section 2 of P.L.1991, c.164 (C.52:14-19.1), containing an evaluation of the pilot program. The report shall also provide the commission's opinion as to whether the pilot program should be continued and, if so, recommendations for further improvement and implementation. The pilot program shall end upon the expiration of the license issued under the program unless the Legislature enacts a law to continue the program.

2. This act shall take effect immediately, and shall be retroactive to December 31, 2011.

Approved January 17, 2012.

CHAPTER 229

AN ACT appropriating \$7,403,340 from the "Urban and Rural Centers Unsafe Buildings Demolition Revolving Loan Fund established pursuant to section 14 of the "Urban and Rural Centers Unsafe Buildings Demolition Bond Act," P.L.1997, c.125, for loans for demolition and renewal projects in various municipalities.

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

1. There is appropriated to the Department of Community Affairs from the "Urban and Rural Centers Unsafe Buildings Demolition Revolving Loan Fund" established pursuant to section 14 of the "Urban and Rural Centers Unsafe Buildings Demolition Bond Act," P.L.1997, c.125, the amount of \$7,403,340, to be used for building demolition and disposal projects in the following municipalities in the amounts set forth:

Township of Belleville	\$ 600,000
City of Camden	\$ 2,000,000
City of Clifton	\$ 210,000
City of Hackensack	\$ 20,000
Township of Irvington	\$ 923,240
City of Millville	\$ 60,000

City of Orange	\$ 325,000
City of Pleasantville	\$ 174,000
City of Rahway	\$ 218,000
City of Trenton	\$ 2,773,100
City of Vineland	\$ 100,000

2. The loans authorized by section 1 of this act shall be for a term not to exceed 20 years, at an interest rate not to exceed four percent per annum and upon such terms and conditions as determined by the Commissioner of Community Affairs and approved by the State Treasurer. Loan repayments shall be deposited to the "Urban and Rural Centers Unsafe Buildings Demolition Revolving Loan Fund."

3. All appropriated funds that are not expended within the time period allowed under rules adopted by the Commissioner of Community Affairs shall be returned to the "Urban and Rural Centers Unsafe Buildings Demolition Revolving Loan Fund."

4. This act shall take effect immediately.

Approved January 17, 2012.

CHAPTER 230

AN ACT concerning crematories, amending and supplementing P.L.2003, c.261 and repealing various sections of P.L.1950, c.256.

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

1. Section 2 of P.L.2003, c.261 (C.45:27-2) is amended to read as follows:

C.45:27-2 Definitions relative to cemeteries.

2. The following definitions, unless the context indicates otherwise, apply to this act:

"Annual, endowed or special care" means care or maintenance of an individual interment space provided for by agreement between the cemetery and the owner of the space.

"Board" means the New Jersey Cemetery Board.

"Burial" means disposition of human remains by placing them in a grave or crypt, but does not include their temporary storage.

"Burial right" means a right for the burial of human remains in a particular grave or crypt created by contract between a person and a cemetery.

"Cemetery" means any land or place used or dedicated for use for burial of human remains, cremation of human remains, or disposition of cremated human remains.

"Cemetery company" means a person that owns, manages, operates or controls a cemetery, directly or indirectly, but does not include a religious organization that owns a cemetery which restricts burials to members of that religion or their families unless the organization has obtained a certificate of authority for the cemetery.

"Columbarium" means a building or structure containing niches for placement of cremated human remains.

"Cremated human remains" means the recoverable bone fragments and container residue resulting from the process of cremation.

"Cremation" means the process of reducing human remains to bone fragments through flame, heat and vaporization.

"Crematory" means a structure containing cremation chambers used to cremate human remains.

"Crypt" means an interment space in a mausoleum or other structure, above or below ground.

"Embellishment" means an item contributing to beauty, comfort or enhancement of a cemetery, but does not include a memorial or a disposable, perishable or seasonal item.

"General maintenance charge" means a fee assessed against each interment space for the general upkeep of the cemetery.

"Grave" means a place for underground disposition of human remains or cremated human remains. A grave may include spaces for the disposition of human remains of more than one person, arranged by depth.

"Human remains" means a body, or part of a body, of a deceased human being.

"Interment" means the disposition of human remains by burial in a grave or crypt but does not mean the temporary storage of remains.

"Interment space" means a grave or crypt intended for the interment of human remains.

"Maintenance" means all activities of a cemetery company which further the care and upkeep of a cemetery, including cutting lawns, and preservation and repair of drains, water lines, roads, buildings, fences and other structures.

"Maintenance and preservation" means the care of the entire cemetery to the extent of the income of the Maintenance and Preservation Fund; it does not include providing specific care to individual graves or plots.

"Mausoleum" means a permanent building in a cemetery above or below ground, containing crypts to be used for burial.

"Memorial" means a marker or monument located at a grave containing the name of a deceased person or the family name of a deceased person, or an effigy or other representation of a deceased person buried in the grave. It does not include an embellishment.

"Niche" means a space in a columbarium or mausoleum for placement of cremated human remains.

"Path" means a course or way intended to provide pedestrian access to interment spaces.

"Person" includes an individual, corporation, partnership, association or any other public or private entity.

"Plot" or "lot" means an area of cemetery ground containing two or more adjoining graves.

"Private mausoleum" means a mausoleum constructed by or for a plot owner and not owned by the cemetery.

"Public mausoleum" means a mausoleum, built in accordance with regulations of the Department of Community Affairs, owned by a cemetery or cemetery company with the intention of use of interment spaces in it by the general public. A mausoleum is distinguished from a single or multiple vault in that it is a single integrated structure assembled on the premises. It shall not consist of one or more vaults constructed off the cemetery premises and installed singly or in series at the cemetery premises.

"Roadway" means a course or way intended to provide vehicle access to interment spaces.

"Vault" means a prefabricated outer burial case of any material, designed to be installed in the ground to receive one or more burials, and not a part of a public or private mausoleum or any other structure.

2. Section 13 of P.L.2003, c.261 (C.45:27-13) is amended to read as follows:

C.45:27-13 Capital required for issuance of certificate of authority; fees and charges.

13. a. As a condition for the issuance of its certificate of authority to operate a cemetery, a cemetery company established after December 1, 1971 shall make an initial deposit of \$75,000 to its Maintenance and Preservation Fund. A for-profit corporation, partnership, association or other

private entity managing or operating a cemetery company pursuant to a certificate of authority granted under section 1 of P.L.2006, c.26 (C.45:27-7.1) shall not be required to make that initial deposit of \$75,000 to its Maintenance and Preservation Fund; however the cemetery company and the for-profit corporation, partnership, association or other private entity shall be jointly and severally liable for the maintenance and use of that Maintenance and Preservation Fund.

b. A cemetery company established before December 1, 1971 shall transfer into the Maintenance and Preservation Fund any funds established for the maintenance and preservation of the cemetery and any additional amount set by the board.

c. A cemetery company shall collect and pay into the Maintenance and Preservation Fund the following fees and charges:

(1) on the initial sale by a cemetery company of each grave, 15% of the gross sales price;

(2) 10% of the initial sales price of a crypt or niche in a public mausoleum or columbarium;

(3) on bulk sales of graves, 15% of the current retail gross sales price of comparable graves;

(4) on bulk sales of crypts or niches, 10% of the current retail gross sales price of comparable crypts or niches;

(5) on transfer of a grave, 15% of the current gross sales price of equivalent graves, less any amounts previously paid to the Maintenance and Preservation Fund on sales of that grave;

(6) on transfer of a crypt or niche, 15% of the current gross sales price of equivalent crypts or niches, less any amounts previously paid to the Maintenance and Preservation Fund on sales of that crypt or niche;

(7) for each interment or for the placement of cremated human remains, 3% of the charge for the interment or placement or \$20, whichever is more;

(8) for a foundation, base or installation, 10% of the charge for the foundation, base or installation, or \$20, whichever is more.

For the purposes of paragraphs (5) and (6) of this subsection, "transfer" shall not include sales to the cemetery company or to the next of kin.

d. Monies required to be deposited into the Maintenance and Preservation Fund shall be paid to the fund on a monthly basis. Such deposits shall be made by the last day of the month following the month in which the monies were received. In the event of an installment sale of a grave, crypt or niche, the cemetery company may make the required deposit at the time the deed is issued or when the payments are received.

e. A cemetery company may make additional payments or accept contributions into the Maintenance and Preservation Fund.

3. Section 19 of P.L.2003, c.261 (C.45:27-19) is amended to read as follows:

C.45:27-19 Record of interment, placement of cremains.

19. a. A cemetery company shall keep a record of every interment and placement of cremated human remains, which shall include the date, the name and age of the person, the cause of death when shown on the burial permit, the location of the burial or disposition, and the name and address of the funeral director.

b. A record shall be kept by a cemetery company of the owner of each interment space that has been conveyed by the cemetery company and of each transfer of an interment space to which the cemetery company has consented. A transfer of an interment space or a right of burial shall not be complete or effective until it is recorded on the books of the cemetery company and any fees required are paid.

c. The instrument of conveyance of an interment space shall include the actual amount paid for it and a description of the interment space sufficient to identify it, including its number as it appears on the cemetery map, and any other information required by regulation of the board. The instrument shall show the dimensions of the interment space.

d. A cemetery company that performs a cremation shall keep a record containing the following information:

(1) the name, last residence, age, place and date of death of the decedent;

(2) the name and address of the person who authorized the cremation;

(3) the name and address of the funeral home from whom the remains were received for cremation;

(4) the name and license number of the funeral director of the funeral home who delivered the remains for cremation; and

(5) the date of the cremation and the recipient of the cremated remains or, if no recipient, the final disposition.

C.45:27-39 Prior approval required for construction of crematory.

4. In addition to any other statutory or regulatory requirements concerning the construction of a crematory, no crematory shall be constructed without prior approval of the board. An applicant for construction of a crematory shall file a written application on the form prescribed by the board. The board may assess a reasonable application fee, which shall ac-

company the application. As soon as practicable after an application for the construction of a crematory has been filed with the board, the board shall notify the Commissioner of Health and Senior Services of the application. The board may adopt additional regulations concerning the construction or operation of a crematory as the board deems appropriate and consistent with P.L.2003, c.261 (C.45:27-1 et seq.).

C.45:27-40 Permitted locations of crematory.

5. A crematory shall be located only on dedicated cemetery property not exclusively devoted to: (1) the operation of a crematory; or (2) the operation of a crematory and the disposition of cremated remains. This section shall not apply to a crematorium operated in conjunction with a funeral home pursuant to paragraph (4) of subsection c. of section 16 of P.L.2003, c.261 (C.45:27-16).

Repealer.

6. The following sections are repealed:
Sections 1 through 5 of P.L.1950, c.256 (C.26:7-11 through C.26:7-15);
and
Sections 7 and 8 of P.L.1950, c.256 (C.26:7-17 and C.26:7-18).

7. This act shall take effect immediately.

Approved January 17, 2012.

CHAPTER 231

AN ACT permitting wagering at casinos and racetracks on the results of certain professional or collegiate sports or athletic events, supplementing Title 5 of the Revised Statutes, and amending P.L.1977, c.110 and P.L.1992, c.19.

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

C.5:12A-1 Definitions relative to sports wagering.

1. As used in 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 Control Commission" means the commission established pursuant to section 50 of P.L.1977, c.110 (C.5:12-50);

"collegiate sport or athletic event" means a sport or athletic event offered or sponsored by or played in connection with a public or private institution that offers educational services beyond the secondary level;

"division" means the Division of Gaming Enforcement established pursuant to section 55 of P.L.1977, c.110 (C.5:12-55);

"operator" means a casino or a racetrack which has elected to operate a sports pool, either independently or jointly;

"professional sport or athletic event" means an event at which two or more persons participate in sports or athletic events and receive compensation in excess of actual expenses for their participation in such event;

"prohibited sports event" means any collegiate sport or athletic event that takes place in New Jersey or a sport or athletic event in which any New Jersey college team participates regardless of where the event takes place;

"racetrack" means the physical facility where a permit holder conducts a horse race meeting with parimutuel wagering under a license by the racing commission pursuant to P.L.1940, c.17 (C.5:5-22 et seq.), and includes the site of any former racetrack;

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

"sports event" means any professional sport or athletic event and any collegiate sport or athletic event, except a prohibited sports event;

"sports pool" means the business of accepting wagers on any sports event by any system or method of wagering; and

"sports wagering lounge" means an area wherein a sports pool is operated.

C.5:12A-2 Casino, racetrack may operate sports pool.

2. a. In addition to casino games permitted pursuant to the provisions of P.L.1977, c.110 (C.5:12-1 et seq.), a casino may operate a sports pool upon the approval of the division and in accordance with the provisions of this act and applicable regulations promulgated pursuant to this act. In addition to the conduct of parimutuel wagering on horse races under regulation by the racing commission pursuant to chapter 5 of Title 5 of the Revised Statutes, a racetrack may operate a sports pool upon the approval of the division and the racing commission and in accordance with the provisions of this act and applicable regulations promulgated pursuant to this act. Upon approval of the division and racing commission, a casino and a racetrack in this State may enter into an agreement to jointly operate a sports pool at the racetrack, in accordance with the provisions of this act and applicable regulations promulgated pursuant to this act.

With regard to this act, P.L.2011, c.231 (C.5:12A-1 et al.), the duties specified in section 63 of P.L.1977, c.110 (C.5:12-63) of the Casino Control Commission shall apply to the extent not inconsistent with the provisions of this act. In addition to the duties specified in section 76 of P.L.1977, c.110 (C.5:12-76), the division shall hear and decide promptly and in reasonable order all applications for a license to operate a sports pool, shall have the general responsibility for the implementation of this act and shall have all other duties specified in that section with regard to the operation of a sports pool.

The license to operate a sports pool shall be in addition to any other license required to be issued pursuant to P.L.1977, c.110 (C.5:12-1 et seq.) to operate a casino or pursuant to P.L.1940, c.17 (C.5:5-22 et seq.) to conduct horse racing. No license to operate a sports pool shall be issued by the division to any entity unless it has established its financial stability, integrity and responsibility and its good character, honesty and integrity. No license to operate a sports pool shall be issued by the division to any entity which is disqualified under the criteria of section 86 of P.L.1977, c.110 (C.5:12-86).

No later than five years after the date of the issuance of a license and every five years thereafter or within such lesser periods as the division may direct, a licensee shall submit to the division such documentation or information as the division may by regulation require, to demonstrate to the satisfaction of the director of the division that the licensee continues to meet the requirements of the law and regulations.

b. A sports pool shall be operated in a sports wagering lounge located at a casino or racetrack. A sports wagering lounge may be located at a casino simulcasting facility. The lounge shall conform to all requirements concerning square footage, design, equipment, security measures and related matters which the division shall by regulation prescribe. The space required for the establishment of a lounge shall not reduce the space authorized for casino gaming activities as specified in section 83 of P.L.1977, c.110 (C.5:12-83).

c. The operator of a sports pool shall establish or display the odds at which wagers may be placed on sports events.

d. An operator shall accept wagers on sports events from persons physically present in the sports wagering lounge. A person placing a wager shall be at least 21 years of age.

e. An operator shall not admit into the sports wagering lounge, or accept wagers from, any person whose name appears on the exclusion list maintained by the division pursuant to section 71 of P.L.1977, c.110 (C.5:12-71) or on any self-exclusion list maintained by the division pursuant to sections 1 and 2 of P.L.2001, c.39 (C.5:12-71.2 and C.5:12-71.3, respectively). Sections 1 and 2 of P.L.2002, c.89 (C.5:5-65.1 and C.5:5-65.2,

respectively), shall apply to the conduct of sports wagering under this act.

f. The holder of a license to operate a sports pool may contract with an entity to conduct that operation, in accordance with the regulations of the division. That entity shall obtain a license as a casino service industry enterprise prior to the execution of any such contract, and such license shall be issued pursuant to the provisions of P.L.1977, c.110 (C.5:12-1 et seq.) and in accordance with the regulations promulgated by the division in consultation with the commission.

g. If any provision of this act, P.L.2011, c.231 (C.5:12A-1 et al.), or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

C.5:12A-3 Employees, licensed, registered.

3. a. All persons employed directly in wagering-related activities conducted within a casino or a racetrack in a sports wagering lounge shall be licensed as a casino key employee or registered as a casino employee, as determined by the commission, pursuant to the provisions of P.L.1977, c.110 (C.5:12-1 et seq.). All other employees who are working in the sports wagering lounge may be required to be registered, if appropriate, in accordance with regulations of the division promulgated in consultation with the commission.

b. Each operator of a sports pool shall designate one or more casino key employees who shall be responsible for the operation of the sports pool. At least one such casino key employee shall be on the premises whenever sports wagering is conducted.

C.5:12A-4 Authority of division to regulate.

4. Except as otherwise provided by this act, the division shall have the authority to regulate sports pools and the conduct of sports wagering under this act to the same extent that the division regulates other casino games. No casino or racetrack shall be authorized to operate a sports pool unless it has produced information, documentation, and assurances concerning its financial background and resources, including cash reserves, that are sufficient to demonstrate that it has the financial stability, integrity, and responsibility to operate a sports pool. In developing rules and regulations applicable to sports wagering, the division shall examine the regulations implemented in other states where sports wagering is conducted and shall, as far as practicable, adopt a similar regulatory framework. The division, in consultation with

the commission, shall promulgate regulations necessary to carry out the provisions of this act, including, but not limited to, regulations governing the:

- a. amount of cash reserves to be maintained by operators to cover winning wagers;
- b. acceptance of wagers on a series of sports events;
- c. maximum wagers which may be accepted by an operator from any one patron on any one sports event;
- d. type of wagering tickets which may be used;
- e. method of issuing tickets;
- f. method of accounting to be used by operators;
- g. types of records which shall be kept;
- h. use of credit and checks by patrons;
- i. type of system for wagering;
- j. protections for a person placing a wager; and
- k. display of the words, "If you or someone you know has a gambling problem and wants help, call 1-800 GAMBLER," or some comparable language approved by the division, which language shall include the words "gambling problem" and "call 1-800 GAMBLER," on all print, billboard, sign, online, or broadcast advertisements of a sports pool and in every sports wagering lounge.

C.5:12A-5 Adoption of comprehensive house rules.

5. Each operator shall adopt comprehensive house rules governing sports wagering transactions with its patrons. The rules shall specify the amounts to be paid on winning wagers and the effect of schedule changes. The house rules, together with any other information the division deems appropriate, shall be conspicuously displayed in the sports wagering lounge and included in the terms and conditions of the account wagering system, and copies shall be made readily available to patrons.

C.5:12A-6 Agreements to jointly establish sports wagering lounge.

6. Whenever a casino licensee and a racetrack permit holder enter into an agreement to jointly establish a sports wagering lounge, and to operate and conduct sports wagering under this act, the agreement shall specify the distribution of revenues from the joint sports wagering operation among the parties to the agreement. The sums received by the casino from the joint sports wagering operation shall be considered gross revenue as specified under section 24 of P.L.1977, c.110 (C.5:12-24). The sums actually received by the horse racing permit holder from any sports wagering operation, either jointly established with a casino or established independently or

with non-casino partners, less only the total of all sums actually paid out as winnings to patrons, shall be subject to an 8% tax to be collected by the division and paid to the Casino Revenue Fund created under section 145 of P.L.1977, c.110 (C.5:12-145) to be used for the funding of programs for senior citizens and disabled residents and to an investment alternative tax in the same amount and for the same purposes as provided in section 3 of P.L.1984, c.218 (C.5:12-144.1).

A percentage of the fee paid for a license to operate a sports pool shall be deposited into the State General Fund for appropriation by the Legislature to the Department of Health and Senior Services to provide funds for prevention, education, and treatment programs for compulsive gambling programs that meet the criteria developed pursuant to section 2 of P.L.1993, c.229 (C.26:2-169), such as those provided by the Council on Compulsive Gambling of New Jersey, and including the development and implementation of programs that identify and assist problem gamblers. The percentage shall be determined by the division.

7. Section 24 of P.L.1977, c.110 (C.5:12-24) is amended to read as follows:

C.5:12-24 "Gross revenue."

24. "Gross Revenue"-- The total of all sums actually received by a casino licensee from gaming operations, including operation of a sports pool, less only the total of all sums actually paid out as winnings to patrons; provided, however, that the cash equivalent value of any merchandise or thing of value included in a jackpot or payout shall not be included in the total of all sums paid out as winnings to patrons for purposes of determining gross revenue. "Gross Revenue" shall not include any amount received by a casino from casino simulcasting pursuant to the "Casino Simulcasting Act," P.L.1992, c.19 (C.5:12-191 et al.).

8. Section 4 of P.L.1992, c.19 (C.5:12-194) is amended to read as follows:

C.5:12-194 Establishment of casino simulcasting facility.

4. a. (1) A casino licensee which wishes to conduct casino simulcasting shall establish a simulcasting facility as part of the casino hotel. The simulcasting facility may be adjacent to, but shall not be part of, any room or location in which casino gaming is conducted pursuant to the provisions of P.L.1977, c.110 (C.5:12-1 et seq.). The simulcasting facility shall conform to all requirements concerning square footage, equipment, security meas-

ures and related matters which the Division of Gaming Enforcement shall by regulation prescribe. The space required for the establishment of a simulcasting facility shall not reduce the space authorized for casino gaming activities as specified in section 83 of P.L.1977, c.110 (C.5:12-83). The cost of establishing, maintaining and operating a simulcasting facility shall be the sole responsibility of the casino licensee.

(2) Wagering on simulcast horse races shall be conducted only in the simulcasting facility, which shall be open and operated whenever simulcast horse races are being transmitted to the casino hotel during permitted hours of casino operation.

(3) Any authorized game, as defined in section 5 of P.L.1977, c.110 (C.5:12-5), other than slot machines may be conducted in a simulcasting facility subject to the rules and regulations of the Division of Gaming Enforcement.

(4) The security measures for a simulcasting facility shall include the installation by the casino licensee of a closed circuit television system according to specifications approved by the Division of Gaming Enforcement. The Casino Control Commission and the Division of Gaming Enforcement shall have access to the system or its signal in accordance with regulations of the commission.

b. All persons engaged directly in wagering-related activities conducted by a casino licensee in a simulcasting facility, whether employed by the casino licensee or by a person or entity conducting casino simulcasting in the simulcasting facility pursuant to an agreement with the casino licensee and all other employees of the casino licensee or of the person or entity conducting casino simulcasting who are working in the simulcasting facility, shall be licensed or registered in accordance with regulations of the Casino Control Commission or the Division of Gaming Enforcement.

Any employee at the Atlantic City Race Course or Garden State Park on or after June 12, 1992, who loses employment with that racetrack as a direct result of the implementation of casino simulcasting and who has been licensed by the New Jersey Racing Commission for five consecutive years immediately preceding the loss of employment shall be given first preference for employment whenever any comparable position becomes available in any casino simulcasting facility, provided the person is qualified pursuant to this subsection. If a casino licensee enters into an agreement with a person or entity for the conduct of casino simulcasting in its simulcasting facility, the agreement shall include the requirement that such first preference in employment shall be given by the person or entity with respect to employment in the simulcasting facility.

c. A casino licensee which establishes a simulcasting facility and conducts casino simulcasting shall, as a condition of continued operation of casino simulcasting, receive all live races which are transmitted by in-State sending tracks.

d. Agreements between a casino licensee and an in-State or out-of-State sending track for casino simulcasting shall be in writing and shall be filed with the New Jersey Racing Commission and with the Division of Gaming Enforcement in accordance with section 104 of P.L.1977, c.110 (C.5:12-104).

9. This act shall take effect immediately.

Approved January 17, 2012.

CHAPTER 232

AN ACT concerning the Criminal Code 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.1999, c.47 (C.2C:12-10.2) is amended to read as follows:

C.2C:12-10.2 Temporary restraining order for alleged stalking; conditions.

2. a. In any case involving an allegation of stalking where the victim is a child under the age of 18 years or is developmentally disabled as defined in section 3 of P.L.1977, c.200 (C.5:5-44.4) or where the victim is 18 years of age or older and has a mental disease or defect which renders the victim temporarily or permanently incapable of understanding the nature of his conduct, including, but not limited to, being incapable of providing consent, the court may issue a temporary restraining order against the defendant which limits the contact of the defendant and the victim.

b. The provisions of subsection a. of this section are in addition to, and not in lieu of, the provisions of section 3 of P.L.1996, c.39 (C.2C:12-10.1) which provide that a judgment of conviction for stalking shall operate as an application for a permanent restraining order limiting the contact of the defendant and the victim.

c. The parent or guardian of the child or the person described in subsection a. of this section may file a complaint with the Superior Court in conformity with the rules of court seeking a temporary restraining order against a person alleged to have committed stalking against the child or the person described in subsection a. of this section. The parent or guardian may seek emergency, ex parte relief. A decision shall be made by the judge regarding the emergency relief forthwith. If it appears that the child or the person described in subsection a. of this section is in danger of being stalked by the defendant, the judge shall issue a temporary restraining order pursuant to subsection e. of this section.

d. A conviction of stalking shall not be a prerequisite for the grant of a temporary restraining order under this act.

e. A temporary restraining order issued under this act shall limit the contact of the defendant and the child or the person described in subsection a. of this section who was stalked and in addition may grant all other relief specified in section 3 of P.L.1996, c.39 (C.2C:12-10.1).

f. A hearing shall be held in the Superior Court within 10 days of the issuance of any temporary restraining order which was issued on an emergency, ex parte basis. A copy of the complaint shall be served on the defendant in conformity with the rules of court. At the hearing the standard for continuing the temporary restraining order shall be by a preponderance of the evidence.

g. If the court rules that the temporary restraining order shall be continued, the order shall remain in effect until either:

(1) the defendant is convicted of stalking, in which case the court shall hold a hearing on the issue of whether a permanent restraining order shall be entered pursuant to section 3 of P.L.1996, c.39 (C.2C:12-10.1); or

(2) the victim's parent or guardian or, in the case of a victim who has reached the age of 18, the victim, requests that the restraining order be dismissed and the court finds just cause to do so.

2. N.J.S.2C:13-4 is amended to read as follows:

Interference with custody.

2C:13-4. Interference with custody.

a. Custody of children. A person, including a parent, guardian or other lawful custodian, is guilty of interference with custody if he:

(1) Takes or detains a minor child with the purpose of concealing the minor child and thereby depriving the child's other parent of custody or parenting time with the minor child; or

(2) After being served with process or having actual knowledge of an action affecting marriage or custody but prior to the issuance of a temporary or final order determining custody and parenting time rights to a minor child, takes, detains, entices or conceals the child within or outside the State for the purpose of depriving the child's other parent of custody or parenting time, or to evade the jurisdiction of the courts of this State; or

(3) After being served with process or having actual knowledge of an action affecting the protective services needs of a child pursuant to Title 9 of the Revised Statutes in an action affecting custody, but prior to the issuance of a temporary or final order determining custody rights of a minor child, takes, detains, entices or conceals the child within or outside the State for the purpose of evading the jurisdiction of the courts of this State; or

(4) After the issuance of a temporary or final order specifying custody, joint custody rights or parenting time, takes, detains, entices or conceals a minor child from the other parent in violation of the custody or parenting time order.

Interference with custody is a crime of the second degree if the child is taken, detained, enticed or concealed: (i) outside the United States or (ii) for more than 24 hours. Otherwise, interference with custody is a crime of the third degree but the presumption of non-imprisonment set forth in subsection e. of N.J.S.2C:44-1 for a first offense of a crime of the third degree shall not apply.

b. Custody of committed persons. A person is guilty of a crime of the fourth degree if he knowingly takes or entices any committed person away from lawful custody when he is not privileged to do so. "Committed person" means, in addition to anyone committed under judicial warrant, any orphan, neglected or delinquent child, person with a mental disease, defect or illness, or other dependent or incompetent person, entrusted to another's custody by or through a recognized social agency or otherwise by authority of law.

c. It is an affirmative defense to a prosecution under subsection a. of this section, which must be proved by clear and convincing evidence, that:

(1) The actor reasonably believed that the action was necessary to preserve the child from imminent danger to his welfare. However, no defense shall be available pursuant to this subsection if the actor does not, as soon as reasonably practicable but in no event more than 24 hours after taking a child under his protection, give notice of the child's location to the police department of the municipality where the child resided, the office of the county prosecutor in the county where the child resided, or the Division of Youth and Family Services in the Department of Children and Families;

(2) The actor reasonably believed that the taking or detaining of the minor child was consented to by the other parent, or by an authorized State agency; or

(3) The child, being at the time of the taking or concealment not less than 14 years old, was taken away at his own volition and without purpose to commit a criminal offense with or against the child.

d. It is an affirmative defense to a prosecution under subsection a. of this section that a parent having the right of custody reasonably believed he was fleeing from imminent physical danger from the other parent, provided that the parent having custody, as soon as reasonably practicable:

(1) Gives notice of the child's location to the police department of the municipality where the child resided, the office of the county prosecutor in the county where the child resided, or the Division of Youth and Family Services in the Department of Children and Families; or

(2) Commences an action affecting custody in an appropriate court.

e. The offenses enumerated in this section are continuous in nature and continue for so long as the child is concealed or detained.

f. (1) In addition to any other disposition provided by law, a person convicted under subsection a. of this section shall make restitution of all reasonable expenses and costs, including reasonable counsel fees, incurred by the other parent in securing the child's return.

(2) In imposing sentence under subsection a. of this section the court shall consider, in addition to the factors enumerated in chapter 44 of Title 2C of the New Jersey Statutes:

(a) Whether the person returned the child voluntarily; and

(b) The length of time the child was concealed or detained.

g. As used in this section, "parent" means a parent, guardian or other lawful custodian of a minor child.

3. N.J.S.2C:14-1 is amended to read as follows:

Definitions.

2C:14-1. Definitions. The following definitions apply to this chapter:

a. "Actor" means a person accused of an offense proscribed under this act;

b. "Victim" means a person alleging to have been subjected to offenses proscribed by this act;

c. "Sexual penetration" means vaginal intercourse, cunnilingus, fellatio or anal intercourse between persons or insertion of the hand, finger or object into the anus or vagina either by the actor or upon the actor's instruc-

tion. The depth of insertion shall not be relevant as to the question of commission of the crime;

d. "Sexual contact" means an intentional touching by the victim or actor, either directly or through clothing, of the victim's or actor's intimate parts for the purpose of degrading or humiliating the victim or sexually arousing or sexually gratifying the actor. Sexual contact of the actor with himself must be in view of the victim whom the actor knows to be present;

e. "Intimate parts" means the following body parts: sexual organs, genital area, anal area, inner thigh, groin, buttock or breast of a person;

f. "Severe personal injury" means severe bodily injury, disfigurement, disease, incapacitating mental anguish or chronic pain;

g. "Physically helpless" means that condition in which a person is unconscious or is physically unable to flee or is physically unable to communicate unwillingness to act;

h. (Deleted by amendment, P.L.2011, c.232)

i. "Mentally incapacitated" means that condition in which a person is rendered temporarily incapable of understanding or controlling his conduct due to the influence of a narcotic, anesthetic, intoxicant, or other substance administered to that person without his prior knowledge or consent, or due to any other act committed upon that person which rendered that person incapable of appraising or controlling his conduct;

j. "Coercion" as used in this chapter shall refer to those acts which are defined as criminal coercion in section 2C:13-5(1), (2), (3), (4), (6) and (7).

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

Sexual assault.

2C:14-2. Sexual assault. a. An actor is guilty of aggravated sexual assault if he commits an act of sexual penetration with another person under any one of the following circumstances:

(1) The victim is less than 13 years old;

(2) The victim is at least 13 but less than 16 years old; and

(a) The actor is related to the victim by blood or affinity to the third degree, or

(b) The actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional, or occupational status, or

(c) The actor is a resource family parent, a guardian, or stands in loco parentis within the household;

(3) The act is committed during the commission, or attempted commission, whether alone or with one or more other persons, of robbery, kidnap-

ping, homicide, aggravated assault on another, burglary, arson or criminal escape;

(4) The actor is armed with a weapon or any object fashioned in such a manner as to lead the victim to reasonably believe it to be a weapon and threatens by word or gesture to use the weapon or object;

(5) The actor is aided or abetted by one or more other persons and the actor uses physical force or coercion;

(6) The actor uses physical force or coercion and severe personal injury is sustained by the victim;

(7) The victim is one whom the actor knew or should have known was physically helpless, mentally incapacitated, or had a mental disease or defect which rendered the victim temporarily or permanently incapable of understanding the nature of his conduct, including, but not limited to, being incapable of providing consent.

Aggravated sexual assault is a crime of the first degree.

b. An actor is guilty of sexual assault if he commits an act of sexual contact with a victim who is less than 13 years old and the actor is at least four years older than the victim.

c. An actor is guilty of sexual assault if he commits an act of sexual penetration with another person under any one of the following circumstances:

(1) The actor uses physical force or coercion, but the victim does not sustain severe personal injury;

(2) The victim is on probation or parole, or is detained in a hospital, prison or other institution and the actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional or occupational status;

(3) The victim is at least 16 but less than 18 years old and:

(a) The actor is related to the victim by blood or affinity to the third degree; or

(b) The actor has supervisory or disciplinary power of any nature or in any capacity over the victim; or

(c) The actor is a resource family parent, a guardian, or stands in loco parentis within the household;

(4) The victim is at least 13 but less than 16 years old and the actor is at least four years older than the victim.

Sexual assault is a crime of the second degree.

5. This act shall take effect on the 60th day following enactment.

Approved January 17, 2012.

JOINT RESOLUTIONS

(1737)

JOINT RESOLUTION NO. 1

A JOINT RESOLUTION designating the second full week in April as "Asperger's Syndrome Awareness Week" in New Jersey.

WHEREAS, Asperger's Syndrome is a Pervasive Developmental Disorder often characterized by autistic-like behaviors and marked by deficiencies in social and communication skills; and

WHEREAS, Children with Asperger's Syndrome tend to be self-absorbed, have difficulty making friends, are often preoccupied with their own interests and easily become the victims of teasing or bullying; and

WHEREAS, Although those with Asperger's Syndrome have a better prognosis than those with other Pervasive Developmental Disorders, people with Asperger's Syndrome often continue to demonstrate difficulties in social interactions well into their adult lives and face an increased risk of developing psychosis, depression and anxiety; and

WHEREAS, Early diagnosis of Asperger's Syndrome is extremely important as people with Asperger's Syndrome who are diagnosed and treated early have an increased chance of living independently and leading healthy, productive lives; and

WHEREAS, Although early diagnosis and treatment are paramount, those with the disorder are often misdiagnosed with other neurological disorders such as Attention Deficit and Hyperactivity Disorders (ADD and ADHD) or Obsessive Compulsive Disorder (OCD); and

WHEREAS, If early diagnosis and proper treatment of Asperger's Syndrome are to occur, the public needs to develop an awareness and understanding of the disorder and its symptoms; now, therefore,

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

C.36:2-167 "Asperger's Syndrome Awareness Week"; designated.

1. The second full week in April of each year is designated as "Asperger's Syndrome Awareness Week" in the State of New Jersey to foster an awareness and understanding of Asperger's Syndrome.

C.36:2-168 Annual observance.

2. The Governor is requested to annually issue a proclamation calling upon public officials and citizens of this State to observe "Asperger's Syndrome Awareness Week" with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved January 26, 2011.

JOINT RESOLUTION NO. 2

A JOINT RESOLUTION designating June of each year as “Aphasia Awareness Month.”

WHEREAS, Aphasia is a disorder of the brain that occurs, most commonly, after a stroke or traumatic brain injury and affects a person's ability to communicate; a person with aphasia typically has difficulty speaking and, sometimes, difficulty with reading, writing, and understanding what other people are saying, but the condition does not affect a person's intellect; and

WHEREAS, While widely under-diagnosed and often misunderstood, one-third of all stroke survivors are diagnosed with aphasia, most often by speech pathologists; although the condition is most common among older people, aphasia can be acquired by people of all ages following severe head and brain trauma; and

WHEREAS, It is estimated that one million people in the United States have aphasia, more than the number of people suffering from Parkinson's disease, muscular dystrophy, multiple sclerosis, or cerebral palsy; according to the American Stroke Association, among ischemic stroke survivors who were at least 65 years of age, 19% had aphasia; and

WHEREAS, There are varying degrees of aphasia that include: non-fluent or expressive aphasia, typified by a person's ability to speak in short, meaningful phrases that take a great effort to produce; fluent or receptive aphasia, typified by a person's ability to speak in long sentences that have no meaning, or include unnecessary or made up words, and difficulty in understanding others; and global aphasia, typified by severe communication difficulties and a person's limited ability to speak or comprehend language; and

WHEREAS, People with aphasia usually experience improvement over time, aided by speech therapy, rehabilitation services, and counseling; however, many people with aphasia are prone to depression, hopelessness, and isolation, avoiding contact with others in order to pass on social situations that may lead to mutual frustration; and

WHEREAS, The Adler Aphasia Center, located in Maywood, New Jersey, was created when its co-founder, Mike Adler, suffered a stroke and could not find a local rehabilitation therapy program that offered the kind of quality care found at the few existing aphasia programs that he and his wife visited in Canada, England, and other parts of the United States; and

WHEREAS, The Adler Aphasia Center is committed to empower, enhance, and enrich the lives of people with aphasia and their families by providing an array of therapeutic, rehabilitation, respite, and support services that address the unique social, emotional, psychological, curative, and recovery needs of aphasia patients; now, therefore,

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

C.36:2-169 "Aphasia Awareness Month," June; designated.

1. The month of June in each year is designated as "Aphasia Awareness Month" in New Jersey in order to raise public awareness of this often-misunderstood communication disorder, and to honor the work of the Adler Aphasia Center which provides unique rehabilitation and support services to people with aphasia and their families.

C.36:2-170 Annual observance.

2. The Governor shall annually issue a proclamation calling upon public officials and the citizens of this State to observe the month with appropriate activities and programs designed to raise public awareness of this disorder.

3. This joint resolution shall take effect immediately.

Approved January 26, 2011.

JOINT RESOLUTION NO. 3

A JOINT RESOLUTION designating the month of February in each year as "Children's Dental Health Month."

WHEREAS, The continued progress of the State of New Jersey is, in large measure, dependent upon the total good health of its children, who are the future of this great State; and

WHEREAS, Total good health, both physical and mental, is enhanced through sound dental health habits that are learned early and reinforced throughout life; and

WHEREAS, The federal Centers for Disease Control and Prevention identifies dental caries, or tooth decay, as the most common chronic infectious disease among children in the United States, with approximately 17% of children two to four years of age having already had tooth decay; and

WHEREAS, By the age of eight, approximately 52% of children have experienced tooth decay, by the age of 17, 78% of children have experienced tooth decay, and while tooth decay is largely preventable, children five to 17 years of age are five times more likely to be affected by this disease than by asthma; and

WHEREAS, Tooth decay frequently results in pain, dysfunction, weight loss and poor speech and appearance, all of which greatly reduce a child's ability to succeed academically and socially; and

WHEREAS, Children from low-income families have nearly 12 times more restricted-activity days because of dental-related illness than children from higher-income families; and

WHEREAS, It is in the best interest of the State to educate, assess, promote and improve good oral health among all of New Jersey's children; now, therefore,

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

C.36:2-171 "Children's Dental Health Month," February; designated.

1. The month of February in each year is designated as "Children's Dental Health Month" in the State of New Jersey to increase public awareness of the importance of good oral health among all of New Jersey's children.

C.36:2-172 Annual observance.

2. The Departments of State, Health and Senior Services and Human Services, and all other public and private entities entrusted with the health of the citizens of this State are urged to observe the month with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved April 6, 2011.

JOINT RESOLUTION NO. 4

A JOINT RESOLUTION designating March of each year as Women's History Month in the State of New Jersey in recognition of the many accomplishments of American women and their contributions to the history of this nation and State.

WHEREAS, American women of every race, class and ethnic background helped to create the foundations of this nation in countless recorded and unrecorded ways as servants, slaves, nurses, nuns, homemakers, industrial workers, teachers, reformers, soldiers and pioneers; and

WHEREAS, American women have played and continue to play a critical economic, cultural and social role in every sphere of our nation's life by constituting a significant portion of the labor force working in and outside of the home; and

WHEREAS, American women have played a unique role throughout our history by providing the majority of the nation's volunteer labor force and have been particularly important in the establishment of early charitable, philanthropic and cultural institutions in the country; and

WHEREAS, American women of every race, class and ethnic background served as early leaders in the forefront of every major progressive social change movement, not only to secure their own right of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor union movement and the modern civil rights movements; and

WHEREAS, Despite these contributions, the role of American women has been consistently overlooked and undervalued throughout American history; now, therefore,

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

C.36:2-174 Women's History Month, March; designated.

1. The month of March of each year is designated as Women's History Month in the State of New Jersey in recognition of the many accomplishments of American women and their contributions to the history of this nation and State.

C.36:2-174 Annual observance.

2. The Governor is requested to annually issue a proclamation calling upon public officials and citizens of this State to observe Women's History Month with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved April 20, 2011.

JOINT RESOLUTION NO. 5

A JOINT RESOLUTION designating March of each year as “American Red Cross Month” in the State of New Jersey.

WHEREAS, The American Red Cross fulfills a unique and vital role in New Jersey, providing help and hope in the face of emergencies and disaster, and is a true reflection of the humanitarian and volunteer spirit of the American people; and

WHEREAS, For nearly 100 years, presidents have called on the American people to support the Red Cross and its humanitarian mission; and

WHEREAS, In response to President Woodrow Wilson’s World War I order to raise funds to support emergency aid to the military, the American Red Cross surpassed its fundraising goal of \$125 million and collected nearly \$146 million in less than six weeks; and

WHEREAS, In the midst of World War II, President Franklin D. Roosevelt became the first president to proclaim March as Red Cross Month when he called on Americans to “rededicate themselves to the splendid aims and activities of the Red Cross” in 1943; and

WHEREAS, President Roosevelt’s call to action nearly 70 years ago started a tradition of designating March as Red Cross Month; a time during which citizens can recognize and support the valuable work of the American Red Cross by contributing financially, donating blood, taking a life-saving class, or volunteering to aid in the performance of its mission; and

WHEREAS, Through its network of 307 employees and 10,954 volunteers in more than 15 locations across New Jersey, the American Red Cross is reliably available, every day, when disaster strikes, to offer life-saving blood or first aid, or the comfort of a helping hand; and

WHEREAS, In order to fulfill its mission, the American Red Cross depends on the tireless work of its employees and volunteers and the generosity of its blood donors, and it is necessary to ensure that the American Red Cross work with its employees in creating a safe environment for its staff, volunteers, and donors; and

WHEREAS, The American Red Cross has worked for decades to connect military families with their loved ones in service; and

WHEREAS, The organization's mission includes the spreading of humanitarian aid and goodwill to people around the world and right here in New Jersey; and

WHEREAS, The training offered to the public by the American Red Cross in cardiopulmonary resuscitation, first aid, aquatics safety, and other areas are affordable and widely viewed to be the premier standard in safety; and

WHEREAS, The American Red Cross depends on the financial support of the public to continue its humanitarian work, and the current economic climate is resulting in challenging times for the organization; and

WHEREAS, The State of New Jersey and its citizens depend upon the American Red Cross to provide its services; now, therefore,

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

C.36:2-176 "American Red Cross Month," March; designated.

1. March of each year shall be designated "American Red Cross Month," to promote awareness of the humanitarian efforts of the American Red Cross and to urge the citizens of this State to support the organization and its mission.

C.36:2-177 Annual observance.

2. The Governor shall annually issue a proclamation recognizing March as "American Red Cross Month" in New Jersey and calling upon public officials and the citizens of this State to observe the month with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved April 20, 2011.

JOINT RESOLUTION NO. 6

A JOINT RESOLUTION designating April of each year as "Alcohol Awareness for New Jersey Youth Month" in the State of New Jersey.

WHEREAS, Childhood drinking is a serious problem in this nation and this State; and

- WHEREAS, The average age that children first use alcohol is now 11 years old, and by the time they reach eighth grade, 50 percent of children have tried alcohol; and
- WHEREAS, Alcohol is more commonly used by children than tobacco or illicit drugs, and more childhood deaths are caused by alcohol than all illegal drugs; and
- WHEREAS, Research indicates that New Jersey's young people are experimenting with alcohol at a rate above the national average, with approximately 407,000 underage drinkers each year; and
- WHEREAS, A recent study indicates that parents are not aware about the extent to which their children are drinking; and
- WHEREAS, A child who begins drinking at the age of 15 has a 40 percent chance of becoming alcohol dependent; and
- WHEREAS, This statistic means that children who begin drinking at 15 are five times more likely to develop an alcohol dependency than those who wait until the legal age of 21; and
- WHEREAS, Our youth are exposed to many influences that may encourage underage drinking, as favorable attitudes toward drinking are prevalent throughout society; and
- WHEREAS, In addition to peer pressure and media depictions of alcohol consumption, there are often factors within a family that can influence a child's decision to drink alcohol, such as a sibling's use of alcohol, easy access to alcohol, a family history of alcohol dependence, and lack of parental communication, support, monitoring, and discipline; and
- WHEREAS, There are many dangers highly correlated with underage alcohol consumption, including car accidents, suicide, unplanned and unprotected sexual encounters, teen pregnancy, sexually transmitted diseases, and poor performance in, or expulsion from, school; and
- WHEREAS, Research indicates that the human brain continues to develop into a person's early 20s, and the exposure to alcohol during this period of brain development may lead to long-lasting effects on intellectual capabilities and possibly induce brain damage; and
- WHEREAS, It is clear that a comprehensive strategy is necessary to combat underage drinking, including advocacy, parental involvement, and programs directed at youth; and
- WHEREAS, It is fitting and proper that the State recognize April of each year as "Alcohol Awareness for New Jersey Youth Month," to promote awareness of, and invite public and school sponsored discourse and assemblies on, the topic of underage alcohol consumption; now, therefore,

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

C.36:2-178 "Alcohol Awareness for New Jersey Youth Month," April; designated.

1. April of each year shall be designated "Alcohol Awareness for New Jersey Youth Month," to promote awareness of, and invite public and school sponsored discourse and assemblies on, the topic of underage alcohol consumption throughout this State.

C.36:2-179 Observance.

2. The Governor is respectfully requested to annually issue a proclamation recognizing April as "Alcohol Awareness for New Jersey Youth Month" in New Jersey and calling upon public officials, local boards of education, school administrators, and the citizens of this State to observe the month with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved June 13, 2011.

JOINT RESOLUTION NO. 7

A JOINT RESOLUTION permanently designating May as "Lupus Awareness Month" in New Jersey.

WHEREAS, Lupus is an acute, chronic, and lifelong autoimmune disease in which the immune system becomes unbalanced, causing inflammation, tissue damage, seizures, strokes, heart attacks, miscarriages, and organ failure; and

WHEREAS, Lupus can be particularly difficult to diagnose because the symptoms are similar to many other illnesses, and major gaps exist in understanding the causes of the disease; more than one half of persons suffering from lupus wait four or more years and visit three or more doctors before obtaining a proper diagnosis; and

WHEREAS, Nine out of 10 persons diagnosed with lupus are women of childbearing age, ages 15 to 44, and in the United States, the disease is more common in persons of color; African-Americans, persons of Latino and Hispanic descent, Asian and Native Americans, Native Hawai-

ians, and Pacific Islanders are two to three times more likely than Caucasians to develop lupus, a disparity that remains unexplained; the disease also presents at an earlier age and is more severe among members of these ethnic groups; and

WHEREAS, Although there are no reliable epidemiological studies that can determine the number of people living with lupus within a specific geographical area, based on national sampling polls, the Lupus Foundation of America estimates as many as 43,000 New Jersey residents suffer from the disease; and

WHEREAS, While no one has been able to isolate what causes lupus or has discovered a cure for the disease, proper treatment can minimize symptoms, reduce inflammation and pain, and stop the development of serious organ damage; however, the current treatments used to manage lupus often have damaging side effects, and there have been no new medications specifically approved by the United States Food and Drug Administration for the treatment of the disease in the last 52 years; and

WHEREAS, Scientists believe that a person may have a genetic predisposition for developing lupus, and a combination of heredity, hormonal, or environmental factors may trigger the onset of the disease; health professionals continue to search for better ways to care for and treat persons with lupus in hope, one day, of understanding what causes the disease and why certain people are more likely to develop it, and discovering promising new treatments for the disease and its prevention; and

WHEREAS, The Lupus Foundation of America is a national, nonprofit health organization, with chapters all over the country, including New Jersey, that is dedicated to finding the causes of, and a cure for, lupus; the foundation provides hope, support, education, and community services to persons with lupus, their caregivers, and their families, and advocates for increased funding for research in existing and new medical treatments that will help to improve the quality of life for persons suffering with the disease; now, therefore,

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

C.36:2-180 "Lupus Awareness Month," May; designated.

1. The month of May is permanently designated as "Lupus Awareness Month" in New Jersey in order to promote public awareness about lupus, its symptoms, and the need for effective treatments for the disease, and to join the Lupus Foundation of America-New Jersey Chapter in advocating for

increased funding for research, education, and community services for persons with the disease, their caregivers, and their families.

C.36:2-181 Annual observance.

2. The Governor shall annually issue a proclamation and call upon public officials and the citizens of this State to observe "Lupus Awareness Month" with appropriate events and activities.

3. This joint resolution shall take effect immediately.

Approved August 22, 2011.

JOINT RESOLUTION NO. 8

A JOINT RESOLUTION designating the third full week of May in each year as "Diabetic Peripheral Neuropathy Awareness Week."

WHEREAS, It is estimated that 23.6 million people in the United States, or 7.8% of the total population, are affected by diabetes, and that there are approximately 473,000 adults diagnosed with diabetes living in New Jersey, who represent 7.2% of the State population; and

WHEREAS, Diabetes in New Jersey disproportionately affects ethnic and racial minorities; and

WHEREAS, The American Diabetes Association estimates that about 60% to 70% of people with diabetes have mild to severe forms of nervous system damage due to Diabetic Peripheral Neuropathy, or DPN; and

WHEREAS, DPN is a serious condition that damages nerve fibers due to prolonged exposure to high amounts of glucose in the bloodstream, and can occur whether a person has Type I diabetes, also known as juvenile diabetes, or Type II diabetes, which is typically adult-onset; and

WHEREAS, DPN accounts for more diabetes-related hospitalizations than any other complication, and often causes intense pain, frequently described as, tingling, shooting, burning, "pins and needles," or sharp pain due to nerve damage; and

WHEREAS, Some 64% of diabetic nerve pain sufferers report that their pain interferes with the daily activities that matter to them, and 80% of them report problems with mobility; and

WHEREAS, Diabetic nerve pain may make it difficult to stay physically active and exercise, a critical component of diabetes management, which may contribute to worsening glycemic control and make sufferers more likely to develop additional health problems, including more nerve damage; and

WHEREAS, According to the American Diabetes Association, patients with diabetes should be screened for DPN at the time they are diagnosed with diabetes and at least annually; and it is important that people with diabetes be aware of the dangers and warning signs of DPN and make healthy lifestyle choices to potentially delay the onset or slow the progression of this life-changing condition; and

WHEREAS, An increase in community awareness of risk factors and symptoms related to diabetes can improve the likelihood that people with diabetes will get the attention they need before suffering devastating complications; and public awareness efforts are necessary to inform people of the many dangers posed by diabetes, as well as the steps to take to potentially delay the onset or slow the progression of DPN, and the options available to treat the pain associated with DPN; and

WHEREAS, The Neuropathy Association, which is the leading national nonprofit organization serving the peripheral neuropathy community, and provides support and education, advocates for patients' interests, and promotes research into the causes of and cures for neuropathy, recognizes the third week in May as "National Neuropathy Week"; and

WHEREAS, This Legislature supports such public awareness efforts to inform New Jerseyans about this serious health issue; now, therefore,

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

C.36:2-182 "Diabetic Peripheral Neuropathy Awareness Week."

1. The third full week of May in each year is designated as "Diabetic Peripheral Neuropathy Awareness Week."

C.36:2-183 Annual observance.

2. The Governor shall annually issue a proclamation calling upon public officials and the citizens of this State to observe the week with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved September 26, 2011.

JOINT RESOLUTION NO. 9

A JOINT RESOLUTION designating March of each year as “Colorectal Cancer Awareness Month.”

WHEREAS, Colorectal cancer is the third leading cause of cancer deaths in the United States. According to the American Cancer Society, about 50,000 Americans will die of the disease this year. Many of these deaths happen because the cancer is found too late to be effectively treated; and

WHEREAS, Colorectal cancer affects both men and women of all racial and ethnic groups, and is most often found in people age 50 years and older. For men, colorectal cancer is the third most common cancer after prostate and lung cancers; and for women, colorectal cancer is the third most common cancer after breast and lung cancers; and

WHEREAS, While colorectal cancer affects people of all ethnic groups, the racial gap in colorectal cancer death rates is widening, partly due to the fact that African-Americans tend to have lower screening rates and poor access to quality health care; and

WHEREAS, Colorectal cancer death rates are now nearly 50% higher in African-Americans than in whites according to the American Cancer Society; and

WHEREAS, In 2005, the most recent year for which statistics are available, the screening rate for whites was 50%, compared to just 40% for African-Americans, and the rate of diagnosis in African-Americans was about 19% higher than it was for whites. The death rate was even more pronounced; among African-Americans, there were about 25 deaths per 100,000 people, compared to 17 per 100,000 in whites – a 48% difference; and

WHEREAS, Colorectal cancer deaths can be prevented by early diagnosis through screening and quality care; and

WHEREAS, The federal Centers for Disease Control and Prevention recommends having colorectal screenings every five years, beginning at age 50 and continuing until age 75; and

WHEREAS, The health, safety, and welfare of the residents of the State of New Jersey are enhanced as a direct result of increased awareness about colorectal cancer and early detection; and

WHEREAS, The New Jersey Legislature is strongly dedicated to preserving the health of the residents of this State, and in supporting the fight against colorectal cancer; now, therefore,

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

C.36:2-184 “Colorectal Cancer Awareness Month,” March; designated.

1. March of each year is designated as “Colorectal Cancer Awareness Month” in the State of New Jersey, and the citizens of New Jersey are urged to observe the day with appropriate activities and programs.

C.36:2-185 Annual observance.

2. The Governor shall annually issue a proclamation calling upon public officials and the citizens of New Jersey to observe the day with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved January 17, 2012.

JOINT RESOLUTION NO. 10

A JOINT RESOLUTION memorializing the Congress of the United States to seek the withdrawal of the United States Preventive Services Task Force recommendation against prostate-specific antigen-based screening for prostate cancer for men in all age groups.

WHEREAS, The United States Preventive Services Task Force (USPSTF) is an independent panel of non-federal experts in prevention and evidence-based medicine that is composed of primary care physicians who conduct scientific evidence reviews of a broad range of clinical health care preventive services and develop recommendations for primary care clinicians and health systems; and

WHEREAS, The USPSTF acknowledges that prostate cancer is the most commonly diagnosed non-skin cancer in men in the United States, with one in six American men being diagnosed with prostate cancer in his lifetime; and

WHEREAS, Prostate cancer is the second leading cause of cancer related deaths in men in the United States; and

WHEREAS, The National Cancer Institute and the American Cancer Society estimate that approximately 240,890 men in the United States will be diagnosed with prostate cancer and 33,720 men will die from the disease in 2011; and

WHEREAS, The American Cancer Society projects that in New Jersey alone, there will be approximately 7,840 newly diagnosed cases of prostate cancer and 1,100 deaths from the disease in 2011; and

WHEREAS, In 2008, the USPSTF recommended against prostate-specific antigen-based screening for prostate cancer for men 75 years and older; and

WHEREAS, In October 2011, the USPSTF issued a new recommendation against prostate-specific antigen-based screening for prostate cancer for men in all age groups because it concluded that there is moderate or high certainty that the service has no net benefit or that the harms outweigh the benefits; and

WHEREAS, The USPSTF states that the October 2011 recommendation applies to men in the United States that do not have symptoms of prostate cancer, even though by the time a man experiences symptoms of prostate cancer, the cancer is generally too advanced to cure; and

WHEREAS, The USPSTF states that its new recommendation against screening applies regardless of race, even though the USPSTF acknowledges that African-American men have a substantially higher prostate cancer incidence rate than white men and more than twice the prostate cancer mortality rate of white men; and

WHEREAS, The USPSTF issued this recent recommendation without having a urologist or oncologist, two types of physicians who specialize in diagnosing and treating patients with prostate cancer, on the task force; and

WHEREAS, The USPSTF's new recommendation regarding prostate cancer screening follows their recommendation in November 2009 against mammograms for women ages 40-49 and against teaching women to do breast self-exams, which Congress rejected after public outcry; and

WHEREAS, The most recently updated study, the Goteborg Randomized Population-based Prostate Cancer Screening Trial, found that with screening, deaths from prostate cancer dropped 44% over a 14 year period, compared with men who did not undergo screening, and that prostate cancer screening efficiency was similar to other cancers; and

WHEREAS, The USPSTF recommendation against screening puts into harm's way men who are most at risk: the underinsured, those who live in areas where health care is not readily available, those who have a family history of prostate cancer, and African-American men, who have a higher incidence rate and higher mortality rate of prostate cancer than white men; now, therefore,

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

1. The Governor and the Legislature of this State respectfully memorialize the Congress of the United States to seek the withdrawal of the United States Preventive Services Task Force recommendation against prostate-specific antigen-based screening for prostate cancer for men in all age groups.

2. Duly authenticated copies of this joint resolution shall be transmitted to the presiding officers of the United States Congress and every member of the United States Congress elected from this State.

3. This joint resolution shall take effect immediately.

Approved January 17, 2012.

EXECUTIVE ORDERS

(1755)

EXECUTIVE ORDER NO. 53

WHEREAS, Lakewood Police Officer Christopher Anthony Matlosz was born in Elizabeth, New Jersey and lived in Rahway, Howell and Lakewood before settling in Manchester in 2008; and

WHEREAS, Officer Matlosz was a 2000 graduate of Howell High School and received an Associates Degree in Criminal Justice from Brookdale Community College in Lincroft, New Jersey; and

WHEREAS, Officer Matlosz graduated from the 69th Class of the Monmouth County Police Academy and served with the Lakewood Police Department for five years; and

WHEREAS, Officer Matlosz had previously served with the Englishtown Police Department and as a special police officer with the Freehold Township Police Department, Long Branch Police Department, and Manasquan Police Department; and

WHEREAS, Officer Matlosz was twenty-seven years old, and a loving and devoted son, brother, and fiancé; and

WHEREAS, Officer Matlosz tragically lost his life after being shot during a routine stop; and

WHEREAS, Officer Matlosz's selfless devotion to public service and the protection of others makes him a hero and a true role model for all New Jerseyans; and

WHEREAS, it is appropriate and fitting for the State of New Jersey to recognize his true commitment to the welfare and safety of others, to mark his untimely passing, to honor his memory, and to remember his family as they mourn their tragic loss;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Friday, January 21, 2011, in recognition of the life and in mourning of the passing of Police Officer Christopher Anthony Matlosz.
2. This Order shall take effect immediately.

Dated January 19, 2011.

EXECUTIVE ORDER NO. 54

WHEREAS, United States Army Private First Class Benjamin G. Moore was raised in Bordentown, New Jersey and graduated from Bordentown Regional High School in 2006; and

WHEREAS, inspired to public service in the aftermath of the September 11, 2001 terrorist attacks, Private First Class Moore trained to serve as a volunteer firefighter and emergency medical technician and thereafter enlisted in the United States Army; and

WHEREAS, Private First Class Moore was assigned to the 693rd Engineer Company, 7th Engineer Battalion, 10th Sustainment Brigade, 10th Mountain Division at Fort Drum, New York; and

WHEREAS, in the service of his country, Private First Class Moore was deployed to Ghazni Province, Afghanistan to support ongoing efforts in Operation Enduring Freedom; and

WHEREAS, Private First Class Moore was an honorable and courageous young man who loved his country and the military; and

WHEREAS, Private First Class Moore tragically lost his life while heroically and selflessly serving his country in Afghanistan; and

WHEREAS, Private First Class Moore was a brave and dedicated soldier as well as a loving son and brother whose memory lives in the hearts of his family and fellow soldiers; and

WHEREAS, Private First Class Moore's heroism, patriotism, and service to his country make it appropriate and fitting for the State of New Jersey to remember him and his family, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Monday, January 24, 2011 in recognition and mourning of a brave and loyal American hero, United States Army Private First Class Benjamin G. Moore.

2. This Order shall take effect immediately.

Dated January 20, 2011.

EXECUTIVE ORDER NO. 55

WHEREAS, the maintenance of an effective and efficient wastewater treatment and removal system represents a core responsibility of government that is vital to ensuring the health, safety, and welfare of those whose daily life activities depend on such a system; and

WHEREAS, the Passaic Valley Sewerage Commission ("PVSC") plays an important role in providing this essential service within the Passaic Valley Sewerage District, which is comprised of 48 municipalities in the Counties of Bergen, Essex, Hudson, and Passaic, serving approximately 1.3 million people within

380,000 residential units including 360 large apartment buildings, as well as 2,205 large commercial institutions and 380 major industrial sites located within its service area; and

WHEREAS, during the course of my administration, a number of troubling facts and allegations have emerged regarding the conduct of certain of the commissioners of the PVSC, which caused my Chief Counsel to issue letters dated January 18, 2011 to each sitting commissioner requesting specific employment-related information to be supplied by January 25, 2011; and

WHEREAS, the responses received from the commissioners have been carefully reviewed, in conjunction with other relevant information concerning the conduct of those individuals; and

WHEREAS, six of the involved commissioners have been suspended, consistent with current law, pending the conclusion of all appropriate proceedings; and

WHEREAS, the statutes and regulations governing the PVSC and its operations vest nearly all operational authority in its board of commissioners and do not expressly empower the Executive Director to take necessary actions to ensure the continued operation of the facilities of the PVSC; and

WHEREAS, the PVSC has nonetheless made it a practice since 1977 to delegate a portion of the responsibility for day-to-day operations of its plant and assets to an Executive Director; and

WHEREAS, the suspensions of six commissioners as described above have resulted in the board's inability to constitute a quorum, as required to perform its duties; and

WHEREAS, in the absence of executive authorization by a quorum of the PVSC board of commissioners, basic functions of the sewerage treatment plant and its associated facilities would not be able to occur, including but not limited to purchasing, payroll, and other essential activities related to supporting the operations of these 24-hour facilities; and

WHEREAS, as Governor, I am entrusted with the responsibility to protect the health, safety, and welfare of the people of this State, as well as the responsibility to aid in the prevention of damage, loss, or destruction of property in the event of an emergency affecting the State; and

WHEREAS, the Constitution and statutes of the State of New Jersey, including but not limited to the provisions of N.J.S.A. App. A:9-33 et seq., and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

WHEREAS, the health and safety of the individuals visiting, living, and working in the Passaic Valley Sewerage District necessitate the ongoing management and operation of the sewerage treatment plant, its staff and assets, including but not limited to the performance of the activities authorized by N.J.S.A. 58:14-1 et seq.; and

WHEREAS, failure to ensure those continued operations would result in unacceptable threats to the health and safety of New Jersey's citizens, most immediately

those in the Passaic Valley Sewerage District, which would be too large in scope to be handled by ordinary municipal and county operations;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, in order to protect the health, safety, and welfare of the people of the State of New Jersey, do hereby DECLARE and PROCLAIM that a State of Emergency exists within the Passaic Valley Sewerage District as a result of the above-referenced conditions; and I hereby ORDER AND DIRECT the following:

1. Except as otherwise provided in this Order, and continuing until such time as this state of emergency is amended or terminated by me, the Executive Director of the PVSC is hereby authorized and directed to take any steps he determines to be necessary and appropriate to ensure that continuity is maintained in the provision of sewerage and environmental services by the PVSC; that the duties and responsibilities of the PVSC to the public, its employees, and contractors are satisfied; that all actions are taken to insure the integrity of the operation of the PVSC and the expenditure of ratepayer funds; and that the assets of PVSC are safeguarded and maintained; that the lawful debts and obligations of the PVSC are paid; and that the health, safety, and welfare of the citizens of the State of New Jersey and Passaic Valley Sewerage District are maintained.

2. The Executive Director, for the duration of this state of emergency, shall perform all of the necessary and appropriate operational functions assigned by law, including by N.J.S.A. 58:14-1 et seq., to the "Commissioners," to the "Board of Commissioners," and to the "Passaic Valley Sewerage Commissioners," unless otherwise specified in this Order. The Executive Director shall have the capacity to enter into contracts, execute instruments, set rates, hire, fire, manage, discipline, prescribe employee duties, reorganize, fix employee compensation, promote and demote employees, and any other similar powers necessary to ensure the continued and seamless operation of the facilities by its workforce. Provided, however, that the Executive Director shall not be authorized to exercise the following authority without obtaining advance written approval from the Governor's Authorities Unit: authority granted by N.J.S.A. 58:14-34.14, relating to the issuance of bonds; authority to authorize or make expenditures in excess of the limits established by N.J.S.A. 58:14-22 and memoranda from the New Jersey State Treasurer modifying that threshold; authority to commence litigation pursuant to, inter alia, N.J.S.A. 58:14-33; or authority to conduct real estate transactions of any value.

3. Within seven days of the issuance of this Order, the Executive Director shall report on any actions taken pursuant to paragraphs 1 and 2 of this Order to the Governor's Authorities Unit. Thereafter, and continuing for the duration of this state of emergency, the Executive Director shall provide a weekly report to the Authorities Unit. The Executive Director shall assume no personal liability for actions or inactions that are consistent with this Order.

4. In accordance with governing law, including but not limited to N.J.S.A. App. A:9-34 and N.J.S.A. App. A:9-51, I reserve the right to utilize and employ all available resources of the State government and of each and every political subdivision of the State, whether of persons, properties, or instrumentalities, including the PVSC, necessary to avoid and protect against this emergency.

5. Consistent with current law, including but not limited to N.J.S.A. 58:14-34.24, nothing in this Order shall be construed in any way to limit or alter the rights vested in the PVSC to acquire, construct, maintain, reconstruct, and operate the sewerage system and to fulfill the terms of any agreement made with the holders of such bonds or other obligations, and this Order shall not in any way impair the rights or remedies of such holders, and shall not modify in any way the exemptions from taxation provided for in N.J.S.A. 58:14-1 et seq.

6. All State officials and agencies and all officers, agents, and employees of every political subdivision of the State, including the PVSC, shall cooperate fully in the implementation of this Order. Until such time as the State of Emergency is terminated, I reserve the right to take such additional actions, invoke such additional emergency powers, and issue such emergency orders or directives as may be necessary to avert and meet the potentially devastating problems presented by this emergency, to protect the health, safety, and welfare of the people of this State, and to ensure the continued provision of essential public health services.

7. This Order shall take effect immediately and shall remain in full force and effect until rescinded, modified, or supplemented by me in response to the ongoing state of emergency.

Dated January 25, 2011.

EXECUTIVE ORDER NO. 56

WHEREAS, United States Army Specialist Ryan A. Gartner was a resident of Dumont, New Jersey where he attended elementary school and Dumont High School; and

WHEREAS, Specialist Gartner graduated from the New Jersey National Guard Challenge Youth Program at Fort Dix in 2004; and

WHEREAS, Specialist Gartner was assigned to the 201st Military Intelligence Battalion, Fort Sam Houston, Joint Base San Antonio, Texas; and

WHEREAS, Specialist Gartner was an ambitious and courageous young man who loved his country and the military; and

WHEREAS, Specialist Gartner tragically lost his life while supporting Operation Enduring Freedom in Bagram, Afghanistan; and

WHEREAS, Specialist Gartner was a dedicated soldier as well as a loving son and brother, whose memory lives in the hearts of his family, friends, and fellow soldiers; and

WHEREAS, Specialist Gartner's patriotism and dedicated service to his country and his fellow soldiers make it appropriate and fitting for the State of New Jersey to remember him and his family, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Wednesday, February 16, 2011, in recognition and mourning of a brave and loyal American hero, United States Army Specialist Ryan A. Gartner.

2. This Order shall take effect immediately.

Dated February 14, 2011.

EXECUTIVE ORDER NO. 57

WHEREAS, the National Weather Service has issued a Flood Watch for the State of New Jersey predicting severe weather conditions, including heavy rains, high winds, main stream and river flooding, and tidal and coastal flooding beginning on March 9, 2011; and

WHEREAS, this severe storm is expected to produce two to four inches of rain throughout the State, with forecasts of significantly higher rainfall in some localities; and

WHEREAS, this severe storm is expected to produce major flooding on the Ramapo, Passaic, Delaware, and Raritan Rivers, with the possibility of record floods, and heavy rain, saturated ground, and progressing runoff will worsen present flood conditions in the Ramapo, Passaic, Delaware, and Raritan River basins and in other rivers and streams throughout New Jersey; and

WHEREAS, the impending weather and storm conditions are expected to require State, county, and local governments to open shelters and assist in evacuations, and will impede transportation and the flow of traffic throughout the State; and

WHEREAS, the impending weather and flood conditions are likely to make it difficult or impossible for citizens to obtain the necessities of life, as well as essential services such as police, fire and first aid; and

WHEREAS, the aforesaid weather and flood conditions constitute an imminent hazard that threatens and presently endangers the health, safety and resources of the residents of one or more municipalities and counties of this State; and

WHEREAS, this situation may become too large in scope to be handled by the normal county and municipal operating services in some parts of this State, and this situation may spread to other parts of the State; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. App. A: 9-33 et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. I authorize and empower the State Director of Emergency Management to activate those elements of the State Emergency Operations Plan that he deems necessary to further safeguard the public security, health, and welfare, to direct the activation of county and municipal emergency operations plans as necessary, and to coordinate the recovery effort from this emergency with all governmental agencies, volunteer organizations, and the private sector.

2. I authorize and empower the State Director of Emergency Management, who is the Superintendent of State Police, in accordance with N.J.S.A. App.A:9-33 et seq., as supplemented and amended, through the police agencies under his control, to determine the control and direction of the flow of vehicular traffic on any State or interstate highway, municipal or county road, including the right to detour, reroute, or divert any or all traffic and to prevent ingress or egress from any area that, in the State Director's discretion, is deemed necessary for the protection of the health, safety, and welfare of the public, and to remove parked or abandoned vehicles from such roadways as conditions warrant.

3. I authorize and empower the Attorney General, pursuant to the provisions of N.J.S.A. 39:4-213, acting through the Superintendent of State Police, to determine the control and direction of the flow of vehicular traffic on any State, municipal, county, or interstate highway, and its access roads, including the right to detour, reroute, or divert any or all traffic, and to prevent ingress or egress from any area to which the declaration of emergency applies, and further authorize all law enforcement officers to enforce any such order of the Superintendent of State Police within their respective municipalities.

4. I authorize and empower the State Director of Emergency Management to order the evacuation of all persons, except for those emergency and governmental personnel whose presence the State Director deems necessary, from any area where their continued presence would present a danger to their health, safety, or welfare because of the conditions created by this emergency.

5. I authorize and empower the State Director of Emergency Management to utilize all facilities owned, rented, operated, and maintained by the State of New Jersey to house and shelter persons who may need to be evacuated from a residence, dwelling, building, structure, or vehicle during the course of this emergency.

6. I authorize and empower the executive head of any agency or instrumentality of the State government with authority to promulgate rules to waive, suspend, or modify any existing rule the enforcement of which would be detrimental to the pub-

lic welfare during this emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary for the duration of this Executive Order, subject to my prior approval and in consultation with the State Director of Emergency Management. Any such waiver, modification, or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

7. I authorize and empower the Adjutant General, in accordance with N.J.S.A. 38A:2-4 and N.J.S.A. 38A:3-6.1, to order to active duty such members of the New Jersey National Guard who, in the Adjutant General's judgment, are necessary to provide aid to those localities where there is a threat or danger to the public health, safety, and welfare and to authorize the employment of any supporting vehicles, equipment, communications, or supplies as may be necessary to support the members so ordered.

8. In accordance with the N.J.S.A. App. A:9-34 and N.J.S.A. App. A:9-51, I reserve the right to utilize and employ all available resources of the State government and of each and every political subdivision of the State, whether of persons, properties, or instrumentalities, and to commandeer and utilize any personal services and any privately owned property necessary to protect against this emergency.

9. In accordance with N.J.S.A. App. A:9-40, no municipality, county or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance or resolution which will or might in any way conflict with any of the provisions of this Order, or which will in any way interfere with or impede the achievement of the purposes of this Order.

10. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully with the State Director of Emergency Management in all matters concerning this state of emergency.

11. In accordance with N.J.S.A. App. A:9-34, N.J.S.A. App. A:9-40.6 and 40A:14-156.4, no municipality or public or semipublic agency shall send public works, fire, police, emergency medical or other personnel or equipment into any non-contiguous disaster-stricken municipality within this State, nor to any disaster-stricken municipality outside this State unless and until such aid has been directed by the county emergency management coordinator or his deputies in consultation with the State Director of Emergency Management.

12. This Order shall take effect immediately and shall remain in effect until such time as it is determined by me that an emergency no longer exists.

Dated March 9, 2011.

EXECUTIVE ORDER NO. 58

WHEREAS, the education of the children of New Jersey is critically important to the State's economy and future prosperity; and

WHEREAS, this Administration is committed to improving the current system of public education in New Jersey, as well as its Statewide coordinating structure; and

WHEREAS, the central purpose of our public education system is to maximize the number of public school students who graduate from high school ready for college and career; and

WHEREAS, effective education is based on a partnership between accountability for results and empowerment of educators to determine the right strategies to achieve those results; and

WHEREAS, the Department of Education must transform its focus from input measures to output measures, most significantly producing college and career ready graduates; and

WHEREAS, excessive and unnecessary State mandates often force school districts to spend time and incur costs that can interfere with the State's core educational mission of ensuring equal educational opportunity while raising student learning for all; and

WHEREAS, overly prescriptive rules and regulations inhibit the initiative of teachers, school leaders and administrators, and dilute accountability for local decision making; and

WHEREAS, this Administration is committed to ensuring that New Jersey's schools, school districts, and the Department of Education are operating at their maximum potential while making the most effective and efficient use of available resources;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created a New Jersey Education Transformation Task Force, hereinafter referred to as the "Task Force."

2. The Task Force shall consist of up to seven (7) members appointed by the Governor. The Governor shall select a chairperson from among the members of the Task Force. The Task Force shall consist of individuals who have practical experience, knowledge or expertise in the areas of education policy or administration, including at least one teacher, principal, school business administrator, and superintendent. All members of the Task Force shall serve without compensation. The Task Force shall organize as soon as practicable after the appointment of its members. The Task Force may retain outside consultants, including legal counsel, in furtherance of its charge.

3. The Task Force is charged with completing a comprehensive and thorough review of all current administrative regulations that affect public education. The Task Force shall evaluate all such regulations to determine the extent to which they increase the quality of instruction for students, improve the academic achievement of students, improve teaching effectiveness within schools or improve the safety and

wellbeing of students. The Task Force shall also review the statutes supporting these administrative regulations. The Task Force shall prepare recommendations to the Governor and Commissioner of Education regarding all statutes and regulations affecting public education that are overly prescriptive.

4. The Task Force shall also review existing accountability systems and resulting incentive structures for public schools and public school districts, including the Quality Single Accountability Continuum ("Q SAC"). The Task Force shall provide recommendations to the Governor on a revamped accountability system which would grant more autonomy to public schools and public school districts while maintaining strict measures of accountability in the areas of student performance, safety, and fiscal responsibility.

5. In formulating its recommendations pursuant to this Order, the Task Force may elicit public input from school and school district leaders, teachers, other education professionals, community groups, the State Board of Education, and other interested parties.

6. The Task Force shall issue an initial report containing its recommendations to the Governor no later than August 15, 2011. Thereafter, the Task Force will continue to meet as needed to continue to review and revise, if necessary, the recommendations following the receipt of comments from the public, stakeholders and the State Board of Education, pursuant to a schedule to be developed by the Department. The Task Force shall expire upon the Governor's receipt of a report containing their final recommendations pursuant to this Executive Order. The final recommendations shall be provided by no later than December 31, 2011.

7. The final report of the Task Force shall be provided to the Legislature and the State Board of Education, and shall be made available to the public.

8. This Order shall take effect immediately.

Dated April 4, 2011.

EXECUTIVE ORDER NO. 59

WHEREAS, John H. Adler made many valuable contributions to the State of New Jersey during his distinguished career of public service spanning more than two decades; and

WHEREAS, former United States Representative and State Senator Adler served New Jersey as a councilman, Senator, and Congressman, holding important positions including chairman of the New Jersey Senate Judiciary Committee and as a member of the United States House Committee on Financial Services; and

WHEREAS, Congressman Adler was raised in Haddonfield and resided in Cherry Hill, most recently representing the 3rd Congressional District; and

WHEREAS, Congressman Adler received his undergraduate degree from Harvard University and graduated from Harvard Law School, practicing law in state and federal courts in New Jersey and Pennsylvania; and

WHEREAS, Congressman Adler most recently served as a shareholder in the law firm of Greenberg Traurig, L.L.P., specializing in corporate, commercial, and real estate litigation matters; and

WHEREAS, Congressman Adler served as a member of the New Jersey State Senate from 1992 until 2009, serving as chair of the Senate Judiciary Committee responsible for overseeing advice and consent of gubernatorial nominees; and

WHEREAS, during his time in the United States Congress, Congressman Adler was actively involved in important matters relating to Sarbanes-Oxley and financial services regulatory reform; and

WHEREAS, Congressman Adler will be remembered for his knowledge, intelligence, determination, pragmatism, and ability to bring people together; and

WHEREAS, Congressman Adler was a trusted advisor, friend, and mentor to many at all levels of government; and

WHEREAS, it is with deep sadness that we mourn the loss of Congressman Adler, and extend our sincere sympathy to his wife, four sons, extended family, and friends; and

WHEREAS, in recognition of his achievements and service to New Jersey, it is fitting and appropriate to honor the memory and passing of Congressman John H. Adler;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, April 8, 2011, in recognition and mourning of the passing of Congressman John H. Adler.
2. This Order shall take effect immediately.

Dated April 6, 2011.

EXECUTIVE ORDER NO. 60

WHEREAS, diesel exhaust poses a health risk to the people of this State; and

WHEREAS, the United States Environmental Protection Agency, the International Agency for Research on Cancer, the World Health Organization, and the United States Department of Health and Human Services' National Toxicology Program have classified diesel exhaust as likely to be carcinogenic to humans; and

WHEREAS, diesel exhaust contributes significantly to the fine particle air pollution in New Jersey; and

WHEREAS, the cumulative exposure to pollution and other hazards from multiple sources in urban communities creates a disproportionate impact on the health,

well-being, and quality of life of persons living in those communities, and those impacts are exacerbated by exposure to diesel exhaust in urban settings; and WHEREAS, diesel engines are extremely durable, often remaining in service for decades, and unless the vehicles and equipment powered by these engines reduce their emissions, they can continue to emit high levels of harmful fine particulates and other chemicals for thirty (30) years; and WHEREAS, aftermarket control technologies, cleaner burning fuels, and cleaner engines are available now, and the costs associated with applying these risk reduction strategies are relatively low when compared with the costs of the vehicles or equipment they update and the costs to public health; and WHEREAS, it is appropriate for the State to continue to show leadership by requiring that major state construction contracts involving diesel engines are awarded with concern for the protection of the environment and the health of our citizens; and WHEREAS, reducing fine particle concentrations emitted as part of major state construction contracts could prevent up to 75 deaths and 1,000 cases of asthma in the State each year;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The New Jersey Department of Environmental Protection ("NJDEP") and New Jersey Department of Transportation ("NJDOT") shall establish a pilot program to reduce emissions from non-road diesel powered equipment used in selected publicly funded state construction contracts. The pilot program, which is to be completed within three years, will require diesel emission retrofit technology to be installed on non-road diesel powered equipment used in one or more projects in urban areas, to be selected by the Commissioners of NJDEP and NJDOT. Funding shall be provided through NJDEP to reimburse the cost of diesel emission retrofit technology installed under the pilot program.

2. Upon completion of the three-year pilot program, NJDEP and NJDOT shall conduct a stakeholder process to determine, based on experience with the pilot program and, if applicable, other projects, whether it is appropriate to continue or expand the diesel emission reduction requirements and whether modifications are needed before continuing or expanding emission reduction requirements. The stakeholder process identified in this paragraph shall be completed within ninety (90) days.

3. After consultation with NJDOT and after the stakeholder process outlined in paragraph 2, the Commissioner of NJDEP shall make a recommendation to the Governor to continue and expand the diesel air pollution retrofit requirements to the entire State, with appropriate modifications, unless the Commissioner finds that the diesel retrofit program on construction equipment has not been successfully imple-

mented. Such recommendation shall be provided to the Governor within thirty (30) days of completing the stakeholder process outlined in paragraph 2.

4. All state agencies and authorities affected by this Order are hereby ordered to ensure that the requirements of this Order are met in a timely manner and enforced.

5. This Order shall take effect immediately.

Dated April 20, 2011.

EXECUTIVE ORDER NO. 61

WHEREAS, United States Army Corporal John W. Lutz, of Kearny, New Jersey, was reported missing in action during the Korean War in 1951; and

WHEREAS, Corporal Lutz was in the United States Army assigned to the 1st Ranger Infantry Company; and

WHEREAS, Corporal Lutz was last accounted for when his unit was attempting to infiltrate enemy lines near Chaun-ni, South Korea, along the Hongcheon River Valley; and

WHEREAS, Corporal Lutz was reportedly captured by enemy forces on May 19, marched north to a POW camp in Suan County, North Korea, and died of malnutrition in July 1951; and

WHEREAS, Corporal Lutz's remains have been identified and returned to his family for burial with full military honors; and

WHEREAS, Corporal Lutz was a courageous soldier who loved his family, friends, and fellow soldiers; and

WHEREAS, Corporal Lutz was, in turn, loved by his family, friends, and fellow soldiers, who take great pride in his commitment, heroism, and achievements; and

WHEREAS, United States Army Corporal Lutz made the ultimate sacrifice, giving his life in the line of duty, while fighting on behalf of his country; and

WHEREAS, it is appropriate and fitting to mark his passing, honor his memory, and remember his family as they mourn their loss;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, April 29, 2011, in recognition of the life and in mourning of the passing of United States Army Corporal John W. Lutz, Jr.

2. This Order shall take effect immediately.

Dated April 27, 2011.

EXECUTIVE ORDER NO. 62

WHEREAS, United States Army Sergeant Keith Buzinski was raised in Hamilton Township, New Jersey and attended township schools before moving to Daytona Beach, Florida in 2004; and

WHEREAS, Sergeant Buzinski was assigned to the 2nd Battalion, 30th Infantry Regiment, 4th Brigade Combat Team, 10th Mountain Division stationed out of Fort Polk, Louisiana; and

WHEREAS, Sergeant Buzinski was an honorable and courageous young man who loved his country and the military; and

WHEREAS, Sergeant Buzinski has received some of our nation's highest military honors, including the Purple Heart and Bronze Star; and

WHEREAS, Sergeant Buzinski tragically lost his life while heroically and selflessly serving his country in Afghanistan while deployed as part of Operation Enduring Freedom; and

WHEREAS, Sergeant Buzinski was a brave and dedicated soldier as well as a loving husband, father, son, and brother whose memory lives in the hearts of his family and fellow soldiers; and

WHEREAS, Sergeant Buzinski's heroism, patriotism, and service to his country make it appropriate and fitting for the State of New Jersey to remember him and his family, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Monday, May 2, 2011 in recognition and mourning of a brave and loyal American hero, United States Army Sergeant Keith Buzinski.

2. This Order shall take effect immediately.

Dated April 27, 2011.

EXECUTIVE ORDER NO. 63

WHEREAS, Coach Harry Shatel was a remarkable leader, mentor, and role model who devotedly served the community and the youths that he coached; and

WHEREAS, Coach Shatel suddenly and unexpectedly passed away at his home in Ormond Beach, Florida on April 30, 2011 at the age of 67; and

WHEREAS, as the head baseball coach of the Morristown High Colonials for 38 seasons, Coach Shatel shaped the lives of hundreds of high school students, including eight who were drafted by Major League Baseball teams; and

WHEREAS, Coach Shatel compiled 752 victories during his time at Morristown High, making him New Jersey's all-time winningest high school baseball coach; and

WHEREAS, Coach Shatel's Colonials collected three state championships, nine sectional championships, and twelve Morris County Tournament championships during his tenure; and

WHEREAS, in addition to his success on the field, Coach Shatel earned the admiration and respect of his players, opponents, and members of the community because of his integrity, passion, enthusiasm, generosity, and humility; and

WHEREAS, it is because Coach Shatel touched the lives of so many people during his coaching career, which spanned across five decades, that his legacy is felt across this State by so many; and

WHEREAS, through his accomplishments on the baseball field and contributions to the community off the baseball field, Coach Shatel has made New Jersey a better place; and

WHEREAS, it is with deep sadness that we mourn the loss of Coach Harry Shatel and extend our sincere sympathy to his wife, Kitty, their three children, Bruce, Sheila, and Michael, their three grandchildren, his entire family, and his many friends; and

WHEREAS, it is appropriate to recognize the achievements, to honor the memory, and to mark the passing of Coach Harry Shatel;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The Flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Thursday, May 12, 2011, in recognition and mourning of the passing of Coach Harry Shatel
2. This Order shall take effect immediately.

Dated May 9, 2011.

EXECUTIVE ORDER NO. 64

WHEREAS, the New Jersey Higher Education Task Force ("Task Force") created by Executive Order No. 26 issued a report in December 2010 that, among other things, recommended that the trustees of New Jersey's public Colleges and Universities should be permitted to file Conflict of Interest forms in lieu of Financial Disclosure Statements; and

WHEREAS, in reaching this recommendation, the Task Force determined that requiring trustees to file the more complex Financial Disclosure Statements

would likely have a chilling effect on a candidate's willingness to serve on the State's public College and University boards; and

WHEREAS, while this Administration is committed to securing the most qualified individuals to serve on the governing boards of our State Colleges and Universities, it also must ensure that the trustees of the State's public College and University boards are held to the highest ethical standards in order to protect the public trust; and

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The Governor's Advisory Council on Higher Education ("Advisory Council") shall examine the bifurcated financial disclosure requirements in the higher education community and make a recommendation to the Governor as to the appropriate level and content of financial disclosure applicable to the trustees of the State's College and University boards. In undertaking its review, the Council shall consider any relevant information concerning ethics disclosures for public officials and College or University trustees, including, but not limited to: prior Executive Orders relating to financial disclosure; the Higher Education Task Force Report; and the Conflict of Interest forms currently used by higher education trustees. The recommendation shall be delivered to the Governor in writing no later than November 15, 2011.

2. During the period in which the Council is considering this issue, and until such time as any future Executive Order is issued, members of the governing boards of the State Colleges and Universities shall be required to file the Conflict of Interest forms with the State Ethics Commission, as had been required pursuant to Executive Order No. 26, and not the Financial Disclosure Statements. For the current year, the State Ethics Commission shall have the authority to grant a reasonable extension, not to exceed thirty days, of the deadline in which to file the Conflict of Interest forms.

3. This Order shall take effect immediately.

Dated May 9, 2011.

EXECUTIVE ORDER NO. 65

WHEREAS, United States Army First Lieutenant Omar J. Vazquez was raised in Hamilton Township, New Jersey and graduated from Rider University in 2007; and

WHEREAS, First Lieutenant Vazquez received his Master's Degree in Liberal Studies from Rutgers University in 2009; and

WHEREAS, First Lieutenant Vazquez was assigned to the 2nd Squadron, 3rd Armored Cavalry Regiment, Fort Hood, Texas; and

WHEREAS, First Lieutenant Vazquez was an honorable and courageous young man who loved his country and the military; and

WHEREAS, First Lieutenant Vazquez tragically lost his life while heroically and selflessly serving his country in Numaniyah, Iraq while supporting Operation New Dawn; and

WHEREAS, First Lieutenant Vazquez was a brave and dedicated soldier as well as a loving son and brother whose memory lives in the hearts of his family, friends, and fellow soldiers; and

WHEREAS, First Lieutenant Vazquez's heroism, patriotism, and service to his country make it appropriate and fitting for the State of New Jersey to remember him and his family, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, May 13, 2011 in recognition and mourning of a brave and loyal American hero, United States Army First Lieutenant Omar J. Vazquez.

2. This Order shall take effect immediately.

Dated May 9, 2011.

EXECUTIVE ORDER NO. 66

WHEREAS, United States Army Specialist Richard C. Emmons, III was born and raised in Salem County, New Jersey; and

WHEREAS, Specialist Emmons was a signal support systems specialist with the 2nd Battalion, 30th Infantry Regiment, 4th Brigade Combat Team, 10th Mountain Division; and

WHEREAS, Specialist Emmons was an honorable and courageous young man who loved his country and the military; and

WHEREAS, Specialist Emmons has received some of our nation's highest military honors, including the Bronze Star, the Purple Heart, the Army Good Conduct Medal, the National Defense Service Medal, the Afghanistan Campaign Medal, the Global War on Terrorism Service Medal, the Army Service Ribbon, the Overseas Service Ribbon, the NATO Medal and the Combat Action Badge; and

WHEREAS, Specialist Emmons tragically lost his life while heroically and selflessly serving his country in Logar Province, Afghanistan while supporting Operation Enduring Freedom; and

WHEREAS, Specialist Emmons was a brave and dedicated soldier as well as a loving son and brother whose memory lives in the hearts of his family, friends, and fellow soldiers; and

WHEREAS, Specialist Emmons's heroism, patriotism, and service to his country make it appropriate and fitting for the State of New Jersey to remember him and his family, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Wednesday, June 15, 2011 in recognition and mourning of a brave and loyal American hero, United States Army Specialist Richard C. Emmons, III.

2. This Order shall take effect immediately.

Dated June 10, 2011.

EXECUTIVE ORDER NO. 67

WHEREAS, Clarence A. Clemons, Jr., was a gifted musician, remarkable performer and iconic figure in New Jersey whose membership in Bruce Springsteen's E Street Band and various other musical and entertainment related endeavors have left an indelible mark upon the cultural landscape of our State; and

WHEREAS, Clarence Clemons was born in Norfolk, Virginia on January 11, 1942 and moved to Newark, New Jersey in 1962 to work as a youth counselor while pursuing a career in the music industry; and

WHEREAS, Clarence Clemons passed away in Palm Beach, Florida on Saturday, June 18, 2011 at the age of 69 due to complications from a stroke suffered previously; and

WHEREAS, as a solo artist, musical contributor and, most prominently, lead saxophone player and long serving member of the E Street Band, Clarence Clemons participated in the recording of over thirty (30) albums and countless live performances over the past four decades; and

WHEREAS, his studio recordings and live performances have endeared him to countless fans in New Jersey and around the world and have enriched the lives of fans of many different genres of music, including rock & roll, soul and jazz; and

WHEREAS, Clarence Clemons' considerable musical talent and unique style of saxophone playing contributed significantly to the success of Bruce Springsteen and the E Street Band, leading to the sale of over 100 million albums worldwide, numerous music awards and critical acclaim; and

WHEREAS, Clarence Clemons' passion and enthusiasm for his music, his seemingly boundless optimism and his extroverted nature and larger-than-life personality, together with his imposing physical stature, further endeared him to his fans and earned him the moniker "the Big Man" from Bruce Springsteen; and

WHEREAS, in addition to his success in the music industry, Clarence Clemons appeared in several films and television shows, including Martin Scorsese's "New York, New York," and authored his memoirs, "Big Man: Real Life and Tall Tales" in 2009; and

WHEREAS, having enriched the lives of so many people during his musical and entertainment career, which spanned across five decades, Clarence Clemons has left a legacy in this State that will be cherished for many years; and

WHEREAS, through his accomplishments and achievements in the entertainment industry and his contributions to the cultural identity of New Jersey, Clarence Clemons has made New Jersey a better place; and

WHEREAS, it is with deep sadness that we mourn the loss of Clarence Clemens and extend our sincere sympathy to his family, friends and many fans; and

WHEREAS, it is appropriate to recognize the achievements and contributions, to honor the memory, and to mark the passing of Clarence Clemons;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The Flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Thursday, June 23, 2011, in recognition and mourning of the passing of Clarence Clemons.
2. This Order shall take effect immediately.

Date June 21, 2011.

EXECUTIVE ORDER NO. 68

WHEREAS, United States Army Sergeant James W. Harvey, II resided in Toms River, New Jersey; and

WHEREAS, Sergeant Harvey was assigned to D Company, 2nd Battalion, 2nd Infantry Regiment, 3rd Brigade Combat Team, 1st Infantry Division, Fort Knox, Kentucky; and

WHEREAS, Sergeant Harvey was an honorable and courageous young man who loved his country and the military; and

WHEREAS, Sergeant Harvey tragically lost his life while heroically and selflessly serving his country in Ghazni Province, Afghanistan while supporting Operation Enduring Freedom; and

WHEREAS, Sergeant Harvey was a brave and dedicated soldier as well as a loving son and brother whose memory lives in the hearts of his family, friends, and fellow soldiers; and

WHEREAS, Sergeant Harvey's heroism, patriotism, and service to his country make it appropriate and fitting for the State of New Jersey to remember him and his family, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, June 24, 2011 in recognition and mourning of a brave and loyal American hero, United States Army Sergeant James W. Harvey, II.

2. This Order shall take effect immediately.

Dated June 22, 2011.

EXECUTIVE ORDER NO. 69

WHEREAS, on February 3, 2010, I signed Executive Order No. 11 (2010) establishing a New Jersey Gaming, Sports and Entertainment Advisory Commission, hereinafter referred to as the Commission, for the purpose of developing recommendations to implement a comprehensive, statewide approach concerning the issues and financial needs of the State's gaming, professional sports, and entertainment industries; and

WHEREAS, on July 21, 2010, after receiving the Commission's final report, I signed Executive Order No. 34 (2010) extending the Commission's existence until June 30, 2011, to support the implementation of the Commission's recommendations that I accepted; and

WHEREAS, in light of the continuing importance of New Jersey's gaming, sports and entertainment sectors to the State's economy and to enhancing the way of life of our citizens and the Commission's expertise in addressing the complex issues presented by these industries, it is appropriate to extend the Commission's existence for an additional period to provide continued support concerning the implementation of its recommendations;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Executive Order No. 34 is hereby superseded and Paragraph 6 of Executive Order No. 11 (2010) is amended to provide that the Commission shall not expire upon the issuance of its final report, but rather shall continue in existence until June 30, 2012, or such other date as I shall establish, in order to support the implementation of those recommendations of the Commission, and any related matters, that meet with my approval

2. This Order shall take effect immediately.

Dated June 30, 2011.

EXECUTIVE ORDER NO. 70

WHEREAS, United States Army Specialist Rafael A. Nieves, Jr. was raised in Bayonne, New Jersey and Jersey City, New Jersey and his mother continues to reside in Bayonne, New Jersey; and

WHEREAS, Specialist Nieves attended grammar school in Hudson County and attended high school in upstate New York; and

WHEREAS, Specialist Nieves was assigned to the 1st Battalion, 506th Infantry Regiment, 4th Brigade Combat Team, 101st Airborne Division (Air Assault), Fort Campbell, KY; and

WHEREAS, Specialist Nieves was an honorable and courageous young man who loved his country and the military; and

WHEREAS, Specialist Nieves tragically lost his life while heroically and selflessly serving his country in Paktika province, Afghanistan while supporting Operation Enduring Freedom; and

WHEREAS, Specialist Nieves was a brave and dedicated soldier as well as a loving husband, son and brother whose memory lives in the hearts of his family, friends, and fellow soldiers; and

WHEREAS, Specialist Nieves's heroism, patriotism, and service to his country make it appropriate and fitting for the State of New Jersey to remember him and his family, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, KIM GUADAGNO, Acting Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Monday, July 18, 2011 in recognition and mourning of a brave and loyal American hero, United States Army Specialist Rafael A. Nieves, Jr.

2. This Order shall take effect immediately.

Dated July 15, 2011.

EXECUTIVE ORDER NO. 71

WHEREAS, United States Army Sergeant Alessandro Plutino graduated from Pitman High School in 2001; and
WHEREAS, Sergeant Plutino realized a life-long dream and joined the Army after graduating from Wilkes University in Wilkes-Barre, Pennsylvania; and
WHEREAS, Sergeant Plutino was an Army Ranger and Rifle Team Leader in B Company, 1st Battalion, 75th Ranger Regiment; and
WHEREAS, Sergeant Plutino was an honorable and courageous young man who loved his country and the military, serving six tours of duty; and
WHEREAS, Sergeant Plutino tragically lost his life while heroically and selflessly serving his country in Afghanistan while supporting Operation Enduring Freedom; and
WHEREAS, Sergeant Plutino was a brave and dedicated soldier as well as a loving son, brother, and fiancé whose memory lives in the hearts of his family, friends, and fellow soldiers; and
WHEREAS, Sergeant Plutino's heroism, patriotism, and service to his country make it appropriate and fitting for the State of New Jersey to remember him and his family, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, August 12, 2011, in recognition and mourning of a brave and loyal American hero, United States Army Sergeant Alessandro Plutino.

2. This Order shall take effect immediately.

Dated August 10, 2011.

EXECUTIVE ORDER NO. 72

WHEREAS, United States Marine Corporal Nicholas S. Ott graduated from Manchester Regional High School in 2006; and
WHEREAS, Corporal Ott was assigned to the 1st Battalion, 3rd Marine Regiment, 3rd Marine Division, III Marine Expeditionary Force, Kaneohe Bay, Hawaii; and
WHEREAS, Corporal Ott was an honorable and courageous young man who loved his country and the military; and
WHEREAS, Corporal Ott was awarded two Navy and Marine Corps Achievement Medals, the Marine Corps Good Conduct Medal, the National Defense Service

Medal, the Afghanistan Campaign Medal, the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal and three Sea Service Deployment Ribbons; and

WHEREAS, Corporal Ott tragically lost his life while heroically and selflessly serving his country in Helmand province, Afghanistan while supporting Operation Enduring Freedom; and

WHEREAS, Corporal Ott was a brave and dedicated Marine as well as a loving son and brother whose memory lives in the hearts of his family, friends, and fellow Marines; and

WHEREAS, Corporal Ott's heroism, patriotism, and service to his country make it appropriate and fitting for the State of New Jersey to remember him and his family, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, August 19, 2011, in recognition and mourning of a brave and loyal American hero, United States Marine Corporal Nicholas S. Ott.

2. This Order shall take effect immediately.

Dated August 16, 2011.

EXECUTIVE ORDER NO. 73

WHEREAS, the National Weather Service is predicting that Hurricane Irene will move along the New Jersey coast beginning on August 27, 2011, bringing the potential for severe weather conditions, including heavy rains, high winds, main stream and river flooding, and progressing runoff that may threaten homes and other structures, and endanger lives in the State; and

WHEREAS, it is necessary to take action in advance of the storm to lessen the threat to lives and property in this State; and

WHEREAS, the impending weather conditions may impede transportation and the flow of traffic in New Jersey, and may make it difficult or impossible for citizens to obtain the necessities of life, as well as essential services such as police, fire and first aid; and

WHEREAS, the impending weather conditions constitute an imminent hazard which threatens and presently endangers the health, safety and resources of the residents of one or more municipalities and counties of this State; and

WHEREAS, this situation may become too large in scope to be handled by the normal county and municipal operating services in some parts of this State, and this situation may spread to other parts of the State; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A.App. A:9-33 et seq., N.J.S.A.38A:3-6.1, and N.J.S.A. 38A:2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, in order to protect the health, safety and welfare of the people of the State of New Jersey DO DECLARE and PROCLAIM that a State of Emergency exists in the State of New Jersey and I hereby ORDER and DIRECT the following:

1. I authorize and empower the State Director of Emergency Management to activate those elements of the State Emergency Operations Plan that he deems necessary to further safeguard the public security, health, and welfare, to direct the activation of county and municipal emergency operations plans as necessary, and to coordinate the preparation, response and recovery efforts from this emergency with all governmental agencies, volunteer organizations, and the private sector.

2. I authorize and empower the State Director of Emergency Management, who is the Superintendent of State Police, in accordance with N.J.S.A. App.A:9-33 et seq., as supplemented and amended, through the police agencies under his control, to determine the control and direction of the flow of vehicular traffic on any State or interstate highway, municipal or county road, including the right to detour, reroute, or divert any or all traffic and to prevent ingress or egress from any area that, in the State Director's discretion, is deemed necessary for the protection of the health, safety, and welfare of the public, and to remove parked or abandoned vehicles from such roadways as conditions warrant.

3. I authorize and empower the Attorney General, pursuant to the provisions of N.J.S.A. 39:4-213, acting through the Superintendent of State Police, to determine the control and direction of the flow of vehicular traffic on any State, municipal, county, or interstate highway, and its access roads, including the right to detour, reroute, or divert any or all traffic, and to prevent ingress or egress from any area to which the declaration of emergency applies, and further authorize all law enforcement officers to enforce any such order of the Superintendent of State Police within their respective municipalities.

4. I authorize and empower the State Director of Emergency Management to order the evacuation of all persons, except for those emergency and governmental personnel whose presence the State Director deems necessary, from any area where their continued presence would present a danger to their health, safety, or welfare because of the conditions created by this emergency.

5. I authorize and empower the State Director of Emergency Management to utilize all facilities owned, rented, operated, and maintained by the State of New

Jersey to house and shelter persons who may need to be evacuated from a residence, dwelling, building, structure, or vehicle during the course of this emergency.

6. I authorize and empower the executive head of any agency or instrumentality of the State government with authority to promulgate rules to waive, suspend, or modify any existing rule the enforcement of which would be detrimental to the public welfare during this emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary for the duration of this Executive Order, subject to my prior approval and in consultation with the State Director of Emergency Management. Any such waiver, modification, or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

7. I authorize and empower the Adjutant General, in accordance with N.J.S.A. 38A:2-4 and N.J.S.A. 38A:3-6.1, to order to active duty such members of the New Jersey National Guard who, in the Adjutant General's judgment, are necessary to provide aid to those localities where there is a threat or danger to the public health, safety, and welfare and to authorize the employment of any supporting vehicles, equipment, communications, or supplies as may be necessary to support the members so ordered.

8. In accordance with the N.J.S.A. App.A:9-34 and N.J.S.A. App.A:9-51, I reserve the right to utilize and employ all available resources of the State government and of each and every political subdivision of the State, whether of persons, properties, or instrumentalities, and to commandeer and utilize any personal services and any privately owned property necessary to protect against this emergency.

9. In accordance with N.J.S.A. App. A:9-40, no municipality, county or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance or resolution which will or might in any way conflict with any of the provisions of this Order, or which will in any way interfere with or impede the achievement of the purposes of this Order.

10. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully with the State Director of Emergency Management in all matters concerning this state of emergency.

11. In accordance with N.J.S.A. App. A: 9-34, N.J.S.A. App. A: 9-40.6 and 40A:14-156.4, no municipality or public or semipublic agency shall send public works, fire, police, emergency medical or other personnel or equipment into any non-contiguous disaster-stricken municipality within this State, nor to any disaster-stricken municipality outside this State unless and until such aid has been directed by the county emergency management coordinator or his deputies in consultation with the State Director of Emergency Management.

12. This Order shall take effect immediately and shall remain in effect until such time as it is determined by me that an emergency no longer exists.

Dated August 25, 2011.

EXECUTIVE ORDER NO. 74

WHEREAS, on September 11, 2001, unprecedented terrorist attacks were launched on New York, Washington, D.C. and Pennsylvania; and
WHEREAS, nearly seven hundred of our residents were killed in the attacks; and
WHEREAS, these horrific attacks not only caused a tremendous loss of life, but also inflicted immense pain and anguish on those who survived the events of that day, which include hundreds of New Jersey families whose lives have been dramatically affected by the loss of a parent, spouse, child or other loved one; and
WHEREAS, many New Jerseyans, including thousands of police, fire, military, emergency and construction personnel responded to this tragedy; and
WHEREAS, as we reach the ten year anniversary of this tragic event it will be remembered by all New Jerseyans, both privately as well as in public remembrances and memorial ceremonies; and
WHEREAS, it is fitting that this day be observed with full solemnity, in tribute to the thousands of innocent victims who perished in the attacks;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, instrumentalities and all public buildings during appropriate hours Friday, September 9, 2011 through Sunday, September 11, 2011 in recognition and mourning of all of those lost in the September 11th attacks, and particularly, those lost from our home State.
2. This Order shall take effect immediately.

Dated September 7, 2011.

EXECUTIVE ORDER NO. 75

WHEREAS, United States Marine First Lieutenant Ryan K. Iannelli was raised in East Greenwich Township, New Jersey; and
WHEREAS, First Lieutenant Iannelli graduated at the top of his class from Kingsway Regional High School in 2002; and
WHEREAS, First Lieutenant Iannelli received a degree from Oral Roberts University in Tulsa, Oklahoma in May of 2006; and
WHEREAS, First Lieutenant Iannelli was assigned to Marine Light Attack Helicopter Squadron 269, Marine Air Group 29, 2nd Marine Air Wing, II Marine Expeditionary Force, Marine Corps Air Station New River, N.C.; and
WHEREAS, First Lieutenant Iannelli was an honorable and courageous young man who loved his country and the military; and

WHEREAS, First Lieutenant Iannelli tragically lost his life while heroically and selflessly serving his country in Helmand province, Afghanistan while supporting Operation Enduring Freedom; and

WHEREAS, First Lieutenant Iannelli was a brave and dedicated Marine as well as a loving son whose memory lives in the hearts of his family, friends, and fellow Marines; and

WHEREAS, First Lieutenant Iannelli's heroism, patriotism, and service to his country make it appropriate and fitting for the State of New Jersey to remember him and his family, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Wednesday, October 5, 2011 in recognition and mourning of a brave and loyal American hero, United States Marine First Lieutenant Ryan K. Iannelli.

2. This Order shall take effect immediately.

Dated October 3, 2011.

EXECUTIVE ORDER NO. 76

WHEREAS, Joseph S. Wargo, Jr. was raised in Phillipsburg, New Jersey, resided in Lopatcong Township, and served his community with dedication and distinction as a Police Officer in the Borough of Mount Arlington; and

WHEREAS, in 1992 Officer Wargo graduated from Phillipsburg High School, where he excelled in the sport of football; and

WHEREAS, Officer Wargo began his career in law enforcement in Lebanon Borough, and served as an Officer in the Mount Arlington Police Department for over ten years; and

WHEREAS, Officer Wargo further demonstrated his commitment to the law enforcement community by serving as President of the local chapter of the Fraternal Order of Police, Lodge 78, in Mount Arlington; and

WHEREAS, Officer Wargo, a loving and devoted husband, tragically lost his life in the line of duty at the age of thirty eight, making the ultimate sacrifice while on patrol on Route 80 when his police car was struck by another vehicle; and

WHEREAS, Officer Wargo's dedication, determination, and selfless devotion to public service and the protection of others make him a hero and a true role model for all New Jerseyans; and

WHEREAS, it is appropriate and fitting for the State of New Jersey to recognize his true commitment to the welfare and safety of others, to mark his untimely passing, to honor his memory, and to remember his many friends and his family as they mourn their tragic loss;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Wednesday, October 19, 2011, in recognition of the life and in mourning of the passing of Police Officer Joseph S. Wargo, Jr.
2. This Order shall take effect immediately.

Dated October 17, 2011.

EXECUTIVE ORDER NO. 77

WHEREAS, preparing all of New Jersey's students for college and career is a critical mission for this Administration; and

WHEREAS, meeting that mission requires all of New Jersey's children to enjoy access to high-quality early education and development programs to prepare them for the challenges of life and learning; and

WHEREAS, providing high-quality early learning and development programs requires exceptional educators, a comprehensive curriculum, meaningful standards for measuring child growth and development, and the support of strong community programs to assist families; and

WHEREAS, providing these critical resources requires the combined efforts and expertise of several State agencies, including the Departments of Education, Children and Families, Health and Senior Services, and Human Services; and

WHEREAS, coordination and collaboration across multiple State Departments, including the Departments of Education, Children and Families, Health and Senior Services, and Human Services are therefore required to provide high-quality early learning and development programs;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created the New Jersey Commission for Early Learning and Development, hereinafter referred to as the "Early Learning Commission."
2. The Early Learning Commission shall consist of five members as follows: the Commissioner of the Department of Education; the Commissioner of the De-

partment of Children and Families or her designee; the Commissioner of the Department of Health and Senior Services or her designee; the Commissioner of the Department of Human Services or her designee; and the chairperson of the New Jersey Council for Young Children. The Commissioner of the Department of Education shall serve as the chairperson of the Early Learning Commission.

3. The Early Learning Commission shall organize as soon as practicable, but in no event shall it convene its first meeting later than one month following the effective date of this Order. Thereafter, the Early Learning Commission shall meet at least once each month, and more often if needed.

4. The Early Learning Commission is charged with recommending improvements to the quality of, and access to, early learning and development programs in the State of New Jersey in the most cost-effective manner possible.

5. In meeting that charge, the Early Learning Commission must, at a minimum:

a. Review existing programs and budgets across the Departments of Education, Children and Families, Health and Senior Services, and Human Services and determine the best way to coordinate those programs and budgets, as well as the delivery of services, to expand the number of high-quality early learning and development programs in New Jersey in the most cost-effective manner possible;

b. Identify ways to promote New Jersey's Quality Rating Improvement System, Grow NJ, in order to provide parents with meaningful information on the quality of early learning and development programs throughout the State;

c. Enhance curricular and other supports for early childhood educators by, among other things, developing best practices and training modules and disseminating those practices and modules to early learning and development programs;

d. Coordinate social, health, and family supports for children with high needs enrolled in early learning and development programs by, to the extent permitted by Federal and State law, integrating data systems maintained by the Departments of Education, Children and Families, Health and Senior Services, and Human Services connected to early childhood programs; and

e. Regularly consult with the New Jersey Council for Young Children and the Coordinating Council for Part C of IDEA in discharging the above-enumerated duties.

6. This Order shall take effect immediately.

Dated October 18, 2011.

EXECUTIVE ORDER NO. 78

WHEREAS, Executive Order No. 3 (2010) created the bi-partisan Red Tape Review Group, chaired by Lieutenant Governor Kim Guadagno, to review certain rules, regulations, and processes that are a burden on New Jersey's economy; and

WHEREAS, on April 19, 2010, the Red Tape Review Group issued its Findings and Recommendations and encouraged the development of a revised State Plan that aligns key principles with State agency rules and local master plans using the Business Action Center (“BAC”) and the Office for Planning Advocacy (“OPA”) to facilitate these priorities; and

WHEREAS, using State planning as a tool to align all levels of government behind a shared vision for future growth and preservation will focus capital spending and better coordinate New Jersey’s planning; and

WHEREAS, the goals of a new State Plan include the alignment of State government to ensure effective resource allocation, coordination, cooperation, and communication among those who play a role in economic and physical growth in New Jersey; and

WHEREAS, consistent with these goals, the Red Tape Review Group’s Findings and Recommendations for greater efficiencies and coordination and, as authorized under the State Planning Act (N.J.S.A § 52:18A-196, et seq.), the State Planning Commission (“SPC”) should consider as part of the approval process for review and revision of the State Development & Redevelopment Plan (the “State Plan”) a revised draft entitled “State Strategic Plan: NJ’s State Development and Redevelopment Plan”; and

WHEREAS, after the SPC adopts a new State Plan, the Executive Branch has the responsibility to lead this coordination and drive the State’s implementation of the new State Plan, thereby reducing onerous and burdensome red tape, improving efficiency, and strategically spurring targeted economic growth;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The creation of a State Strategic Plan Steering Committee (“Steering Committee”) to work closely with the SPC and OPA to ensure that relevant State departments and agencies incorporate the goals, objectives, and values of a new SPC-adopted State Plan into Department Strategic Plans, as hereinafter discussed, and relevant regulations, programs, policies, and operations.

2. The Steering Committee shall:

- a. Consist of the following cabinet members or their designees: the Secretary of Agriculture; the President of the Board of Public Utilities; the State Treasurer; the Secretary of State; the Commissioner of the Department of Community Affairs; the Commissioner of the Department of Education; the Commissioner of the Department of Environmental Protection; the Commissioner of the Department of Transportation; and the following non-cabinet members or their designees: the Deputy Chief of Staff for Policy and Planning in the Office of the Governor; the Executive Director of New Jersey Transit; the Executive Director of the New Jersey Economic Development Authority; and any other member determined by the Governor in the future;

b. Be chaired by the Lieutenant Governor (“Chairperson”), who shall be supported primarily by OPA staff and, as necessary, other State department and/or agency staff;

c. Have the following responsibilities and duties:

i. Provide support and guidance for the creation, development, and implementation of “Department Strategic Plans” by departments and/or agencies impacted by the State planning process and a new State Plan (“Impacted Departments”), and advise whether Department Strategic Plans are consistent with both a new State Plan and Department Strategic Plans of other Impacted Departments;

ii. Identify and advise whether relevant existing State funding is available to support priority State and local government actions consistent with the goals, objectives, and values identified and enumerated in a new State Plan;

iii. Serve as an inter-agency venue for agencies to address department-level conflicts in policies or practices that impact implementation of strategies identified and enumerated in a new State Plan or agreed upon actions of another Department Strategic Plan;

iv. Suggest methods to provide guidance and support for inter-agency cooperation and collaboration on specific issues of Statewide importance.

3. Each Steering Committee member shall identify a liaison that shall, on behalf of his or her department:

a. Consult with the Steering Committee on Impacted Departments’ implementation of Department Strategic Plans that, to the extent feasible and practicable, align the actions, regulations, programs, policies, and operations in accordance with a new State Plan and the guidance offered by the Steering Committee;

b. Consult with the Steering Committee to align relevant existing funding for supporting local government and public projects that best meet the goals, objectives, and values identified and enumerated in a new State Plan;

c. Participate in working groups and/or mediation sessions to address issues related to implementing a new State Plan; and

d. Prior to the adoption, amendment, or repeal of any rule adopted pursuant to Section 4(a) of the Administrative Procedure Act (N.J.S.A. § 52:14B, et seq.), and in conjunction with existing procedures for the review of rules proposals and adoptions, work closely with the Steering Committee and the OPA to assess the impact of the proposed rule on the goals and principles of a new State Plan.

4. Executive Order No. 4 (2002) is hereby rescinded.

5. This Order shall take effect immediately.

Dated October 19, 2011.

EXECUTIVE ORDER NO. 79

WHEREAS, United States Army Staff Sergeant Jorge M. Oliveira lived in the Ironbound section of Newark, New Jersey; and

WHEREAS, Staff Sergeant Oliveira was an Essex County Sheriff's Officer serving in Afghanistan with the Army National Guard; and

WHEREAS, Staff Sergeant Oliveira was assigned to the 2nd Battalion, 113th Infantry Regiment, 50th Brigade Combat Team, Riverdale, New Jersey; and

WHEREAS, Staff Sergeant Oliveira was an honorable and courageous young man who loved his country and the military; and

WHEREAS, Staff Sergeant Oliveira has received some of our nation's highest military honors, including the Army Good Conduct Medal, Army Reserve Components Achievements Medal, National Defense Service Medal, Armed Forces Expeditionary Medal, Global War on Terrorism Service Medal, Iraq Campaign Medal with Campaign Star, NCO Professional Development Ribbon, Army Service Ribbon, Overseas Service Ribbon, Armed Forces Reserve Medal with Mobilization Device (2nd Award), Expert Infantryman Badge, and Air Assault Badge; and

WHEREAS, Staff Sergeant Oliveira tragically lost his life while heroically and selflessly serving his country in Paktika province, Afghanistan while supporting Operation Enduring Freedom; and

WHEREAS, Staff Sergeant Oliveira was a brave and dedicated soldier as well as a loving son and brother whose memory lives in the hearts of his family, friends, and fellow soldiers; and

WHEREAS, Staff Sergeant Oliveira's heroism, patriotism, and service to his country make it appropriate and fitting for the State of New Jersey to remember him and his family, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, October 28, 2011, in recognition and mourning of a brave and loyal American hero, United States Army Staff Sergeant Jorge M. Oliveira.

2. This Order shall take effect immediately.

Dated October 26, 2011.

EXECUTIVE ORDER NO. 80

WHEREAS, the State of New Jersey is presently experiencing a strong winter-type storm with high winds, rain, snow, and mixed precipitation throughout the State, making travel hazardous and causing fallen trees, power outages, and the potential for coastal, stream, and river flooding throughout the State; and

WHEREAS, this severe storm is expected to continue to affect the State throughout the evening and morning, impeding transportation and the flow of traffic; and
WHEREAS, the storm and related conditions may make it difficult or impossible for citizens to obtain the necessities of life, as well as essential services such as police, fire and first aid; and
WHEREAS, the aforesaid weather and flood conditions constitute an imminent hazard that threatens and endangers the health, safety and resources of the residents of one or more municipalities and counties of this State; and
WHEREAS, this situation may become too large in scope to be handled by the normal county and local operating services in some parts of this State; and
WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. App. A: 9-33 et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. I authorize and empower the State Director of Emergency Management to activate those elements of the State Emergency Operations Plan that he deems necessary to further safeguard the public security, health, and welfare, to direct the activation of county and municipal emergency operations plans as necessary, and to coordinate the response and recovery efforts from this emergency with all governmental agencies, volunteer organizations, and the private sector.

2. I authorize and empower the State Director of Emergency Management, who is the Superintendent of State Police, in accordance with N.J.S.A. App.A:9-33 et seq., through the police agencies under his control, to determine the control and direction of the flow of vehicular traffic on any State or interstate highway, municipal or county road, including the right to detour, reroute, or divert any or all traffic and to prevent ingress or egress from any area that, in the State Director's discretion, is deemed necessary for the protection of the health, safety, and welfare of the public, and to remove parked or abandoned vehicles from such roadways as conditions warrant.

3. I authorize and empower the Attorney General, pursuant to the provisions of N.J.S.A. 39:4-213, acting through the Superintendent of State Police, to determine the control and direction of the flow of vehicular traffic on any State, municipal, county, or interstate highway, and its access roads, including the right to detour, reroute, or divert any or all traffic, and to prevent ingress or egress from any area to which the declaration of emergency applies, and further authorize all law enforcement officers to enforce any such order of the Superintendent of State Police within their respective municipalities.

4. I authorize and empower the State Director of Emergency Management to order the evacuation of all persons, except for those emergency and governmental

personnel whose presence the State Director deems necessary, from any area where their continued presence would present a danger to their health, safety, or welfare because of the conditions created by this emergency.

5. I authorize and empower the State Director of Emergency Management to utilize all facilities owned, rented, operated, and maintained by the State of New Jersey to house and shelter persons who may need to be evacuated from a residence, dwelling, building, structure, or vehicle during the course of this emergency.

6. I authorize and empower the executive head of any agency or instrumentality of the State government with authority to promulgate rules to waive, suspend, or modify any existing rule the enforcement of which would be detrimental to the public welfare during this emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary for the duration of this Executive Order, subject to my prior approval and in consultation with the State Director of Emergency Management. Any such waiver, modification, or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

7. I authorize and empower the Adjutant General, in accordance with N.J.S.A. 38A:2-4 and N.J.S.A. 38A:3-6.1, to order to active duty such members of the New Jersey National Guard who, in the Adjutant General's judgment, are necessary to provide aid to those localities where there is a threat or danger to the public health, safety, and welfare and to authorize the employment of any supporting vehicles, equipment, communications, or supplies as may be necessary to support the members so ordered.

8. In accordance with the provisions of N.J.S.A. App.A:9-34 and N.J.S.A. App.A:9-51, I reserve the right to utilize and employ all available resources of the State government and of each and every political subdivision of the State, whether of persons, properties, or instrumentalities, and to commandeer and utilize any personal services and any privately owned property necessary to protect against this emergency.

9. In accordance with N.J.S.A. App.A:9-40, no municipality, county, or other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution that will or might in any way conflict with any provision of this Order, or which will in any way interfere with or impede the achievement of the purposes of this Order.

10. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully with the State Director of Emergency Management in all matters concerning this state of emergency.

11. In accordance with N.J.S.A. App.A:9-34, N.J.S.A. App.A:9-40..6, and N.J.S.A. 40A:14-156.4, no municipality or public or semipublic agency shall send public works, fire, police, emergency medical, or other personnel or equipment into any non-contiguous, disaster-stricken municipality within this State, nor to any disaster-stricken municipality outside this State, unless and until such aid has been di-

rected by the county emergency management coordinator or his or her deputies in consultation with the State Director of Emergency Management.

12. This Order shall take effect immediately and shall remain in effect until such time as it is determined by me that an emergency no longer exists.

Dated October 30, 2011.

EXECUTIVE ORDER NO. 81

WHEREAS, United States Army Sergeant John A. Lyons lived in Seaside Park, New Jersey and graduated from Central Regional High School in Berkeley Township, New Jersey; and

WHEREAS, Sergeant Lyons graduated from Rutgers University in 2008 and joined the Army as a combat engineer in February 2009; and

WHEREAS, Sergeant Lyons was assigned to the 8th Engineer Battalion, 36th Engineer Brigade, Fort Hood, Texas; and

WHEREAS, Sergeant Lyons was an honorable and courageous young man who loved his country and the military; and

WHEREAS, Sergeant Lyons has received some of our nation's highest military honors, including the NATO Medal, three Army Achievement Medals, the National Defense Service Medal and the Afghanistan Campaign Medal with campaign star; and

WHEREAS, Sergeant Lyons tragically lost his life while heroically and selflessly serving his country in Ghazni Province, Afghanistan while supporting Operation Enduring Freedom; and

WHEREAS, Sergeant Lyons was a brave and dedicated soldier as well as a loving son and brother whose memory lives in the hearts of his family, friends, and fellow soldiers; and

WHEREAS, Sergeant Lyons' heroism, patriotism, and service to his country make it appropriate and fitting for the State of New Jersey to remember him and his family, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Thursday, November 10, 2011, in recognition and mourning of a brave and loyal American hero, United States Army Sergeant John A. Lyons.

2. This Order shall take effect immediately.

Dated November 4, 2011.

EXECUTIVE ORDER NO. 82

WHEREAS, Assemblyman Peter J. Biondi was an effective and devoted public servant, serving in the New Jersey General Assembly with distinction since 1998, in addition to having held several important elected positions at the county and local levels, including Mayor of Hillsborough Township and Somerset County Freeholder; and

WHEREAS, during his years of service in the General Assembly, Assemblyman Biondi earned a reputation as a true leader who elevated principles above partisanship, holding numerous leadership positions including Assistant Republican Leader, Deputy Conference Leader, and Republican Conference Leader, as well as serving on the Budget, Human Services, Regulated Professions and Independent Authorities, Solid Waste, and Transportation Committees; and

WHEREAS, Assemblyman Biondi was born in Newark, raised in Union, and later moved to Hillsborough, New Jersey, where he resided for thirty-five years; and

WHEREAS, Assemblyman Biondi served his country in the United States Army reserves from 1961 until 1967; and

WHEREAS, in addition to his many accomplishments in politics and the public sector, Assemblyman Biondi also distinguished himself as a servant of his community, tirelessly working to support a wide variety of organizations including, but not limited to, the Rotary Club of Hillsborough, the American Heart Association, the American Cancer Society, the New Jersey State Fire Engine Museum, the Resource Center for Women and their Families, the New Jersey State P.B.A., the March of Dimes, and many others; and

WHEREAS, Assemblyman Biondi began his long career of public service as an elected Hillsborough Township committee member in 1983, and later served as Hillsborough Mayor from 1986 until 1993 before being elected to the Somerset County Board of Chosen Freeholders, where he served until 1997; and

WHEREAS, in 1997 he was first elected to the New Jersey General Assembly, and thereafter was re-elected seven times including last week, when Assemblyman Biondi received the most votes of any of candidate seeking to represent District 16 in the Assembly; and

WHEREAS, Assemblyman Biondi also was a caring and devoted family man who enjoyed spending time with his wife, children, and grandchildren; and

WHEREAS, Assemblyman Biondi's courage and leadership are an example for all who aspire to public service; and

WHEREAS, it is fitting and appropriate to honor the memory and mourn the passing of Assemblyman Biondi, and with deep sadness extend our sincere sympathy to his family, his many friends and admirers, and his respectful colleagues;

NOW, THEREFORE, I, KIM GUADAGNO, Acting Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Wednesday, November 16, 2011 in recognition and mourning of the passing of Assemblyman Peter J. Biondi.

2. This Order shall take effect immediately.

Dated November 14, 2011.

EXECUTIVE ORDER NO. 83

WHEREAS, the State of New Jersey ("State") is committed to improving both the efficiency of governmental functions and the delivery of essential services for the people of New Jersey; and

WHEREAS, a major function of State government is the fair and orderly administration of our criminal laws; and

WHEREAS, New Jersey's criminal justice system appropriately embodies a broad range of goals including punishment, deterrence, reform, and prevention designed to maintain public safety; and

WHEREAS, an efficient criminal corrections system should include alternatives to pure incarceration that recognize established techniques for treatment and intervention that may better serve the public by breaking the cycle of criminality caused by repeat offenders; and

WHEREAS, effective and appropriate treatment and re-entry programs can lower recidivism rates, reduce the population of the State's prison system, and help transform offenders into productive members of our communities; and

WHEREAS, as a nationally recognized leader in the reduction of recidivism rates, New Jersey must continue to lead national efforts to eradicate the causes of career criminal conduct; and

WHEREAS, the Executive and Judicial branches of State government currently invest more than \$200 million a year on a multitude of programs treating offenders; and

WHEREAS, one of these successful programs, New Jersey's Drug Court, has demonstrated promise as a means of reducing recidivism. The Drug Court program allows substance-abusers without prior convictions for violent crimes who are charged with new non-violent offenses an alternative to incarceration. The Drug Court program emerged from research showing that offenders dependent on drugs or alcohol often revert to crime following incarceration if denied appropriate treatment, monitoring, and supervision. Court ordered intervention presents an effective and humane response to crimes committed by drug or alcohol dependent offenders, and helps to achieve the overriding goal of the New Jersey Code of Criminal Justice to protect public safety by reducing the incidence of crime; and

WHEREAS, New Jersey's Drug Court Program currently allows participation only by those who affirmatively seek admission, it is in the public interest to broaden this successful program to reach drug dependent offenders who do not initially seek admission but who nonetheless need and may benefit from the court-supervised drug treatment; and

WHEREAS, legacy development and organization of treatment and re-entry programs created a decentralized and uncoordinated system that hampers the State's ability to identify and build upon successful programs such as the Drug Court and develop new plans to increase effective intervention;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created a Governor's Task Force for Recidivism Reduction, hereinafter referred to as the "Task Force."

2. The Governor shall select a Task Force Director ("Director"), who, along with the Chairman of the New Jersey State Parole Board ("Chairman"), shall lead the Task Force, ensure its mandates are performed and report to the Governor on an ongoing basis its findings and achievements. The Task Force shall consist of representatives of the Judiciary and various Executive Departments who, through legislation, departmental charge of responsibility or policy initiative, control or administer programs or treatment that may have an effect upon prisoner re-entry or prisoner recidivism rates. The Director and Chairman shall choose appropriate representatives from any Departments deemed as necessary to accomplish the purposes of this Order. The Task Force shall consist of individuals who have practical experience, knowledge or expertise in the areas of a) treatment or programming for offenders; b) mental health or drug or alcohol addiction; c) state government operations that could potentially remove barriers to successful re-entry; and d) performance benchmarking and evaluation. Members of the Task Force shall serve through inter-governmental mobility assignments. The Task Force shall organize as soon as practicable after the appointment of its members.

3. The Task Force is authorized to call upon any department, office or agency of State government to provide such information, resources or other assistance deemed necessary to discharge its responsibilities under this Order. Each department, officer, division and agency of this State is hereby required to cooperate with the Task Force and to furnish it with such information, personnel and assistance as is necessary to accomplish the purposes of this Order.

4. The Task Force is charged with studying the State's efforts towards the reduction of criminal recidivism, creating a system whereby those efforts can be benchmarked and continually evaluated, then presenting ongoing recommendations to the Governor regarding how best to ensure the effectiveness and success of this State's efforts towards recidivism reduction. The recommendations will be based

upon input from all of the various stakeholders, widely recognized best practice models, and a performance benchmarking and measurement system.

5. The Task Force may consult with the provider community, stakeholders, practitioners, experts or other knowledgeable individuals in the public or private sector on any aspect of its mission.

6. The Task Force shall engage a college or university for the creation of an initial benchmarking study. The product of this study shall be a report of the effectiveness and performance of all present offender treatment and programming that may affect recidivism.

7. The Task Force shall develop a system for performance measurement designed to inform the Task Force of ongoing programmatic successes and weaknesses. Performance measurement shall greatly influence the Task Force's recommendations for programmatic development and priorities.

8. The Task Force shall embrace the widely accepted principles of evidence-based best practices. The Task Force will develop protocols for the determination of what constitutes evidence-based programming and will formulate, then recommend, the maximum allowable percentage of State supported non-evidence based programming.

9. The Task Force shall coordinate and assist the Judiciary with the development of a program to effectuate an expansion of the Drug Court Program.

10. This Order shall take effect immediately.

Dated November 28, 2011.

EXECUTIVE ORDER NO. 84

WHEREAS, United States Army Specialist Ronald H. Wildrick, Jr. grew up in Byram Township, New Jersey and graduated from Lenape Valley Regional High School in Stanhope, NJ in 2000; and

WHEREAS, Specialist Wildrick was assigned to A Company, 2nd Battalion, 35th Infantry Regiment, 3rd Brigade Combat Team, 25th Infantry Division, Schofield Barracks, Hawaii; and

WHEREAS, Specialist Wildrick also served in the U.S. Army Continental Color Guards; and

WHEREAS, Specialist Wildrick was an honorable and courageous young man who loved his country and the military; and

WHEREAS, Specialist Wildrick has received some of our nation's highest military honors, including the Army Commendation Medal, Army Achievement Medal, Afghanistan Campaign Medal with Bronze Service Star, Global War on Terrorism Medal, Army Service Ribbon, and Basic Parachutist Badge. Posthumously he was awarded the Bronze Star Medal, Purple Heart, NATO Medal, and Combat Infantryman Badge; and

WHEREAS, Specialist Wildrick tragically lost his life while heroically and selflessly serving his country in Kunar Province, Afghanistan, while supporting Operation Enduring Freedom; and

WHEREAS, Specialist Wildrick was a brave and dedicated soldier as well as a loving son, brother, husband and father whose memory lives in the hearts of his family, friends, and fellow soldiers; and

WHEREAS, Specialist Wildrick's heroism, patriotism, and service to his country make it appropriate and fitting for the State of New Jersey to remember him and his family, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on January 12, 2012, in recognition and mourning of a brave and loyal American hero, United States Army Specialist Ronald H. Wildrick, Jr.

2. This Order shall take effect immediately.

Dated January 5, 2012.

REORGANIZATION PLANS

(1797)

REORGANIZATION PLAN NO.001-2011

A PLAN FOR THE ABOLITION OF THE COUNCIL
ON AFFORDABLE HOUSING AND PROVIDING FOR THE
TRANSFER OF THE FUNCTIONS, POWERS, AND DUTIES OF THE
COUNCIL ON AFFORDABLE HOUSING TO THE DEPARTMENT
OF COMMUNITY AFFAIRS

PLEASE TAKE NOTICE that on June 29, 2011, Governor Chris Christie hereby issues this Reorganization Plan, No.001-2011 (the “Plan”), to abolish the Council on Affordable Housing (hereinafter referred to as the “Council” or “COAH”), thereby reducing expenditures and promoting economy and efficiency in the operations of the executive branch by eliminating a costly and burdensome regulatory agency. This Plan furthers the efforts of the Executive Branch to implement the recommendations of the Red Tape Review Group created by Executive Order No. 3 (2010). In its April 19, 2010 report, the Red Tape Review Group specifically noted the urgent need to reform the State’s affordable housing policy to relieve the burdens imposed on municipalities and taxpayers by the existing system of development. This plan also advances the goals outlined in Executive Order No. 12, which created the Housing Opportunity Task Force, to more efficiently and effectively satisfy the State’s affordable housing obligation, and sets the stage for further implementation of the recommendations contained in the Housing Opportunity Task Force’s March 19, 2010 final report.

GENERAL STATEMENT OF PURPOSE

The purpose of this Plan is to reduce the unnecessary complexity of affordable housing administration in New Jersey, lower the administrative costs associated with the present regulatory process, and streamline the development of new housing projects. Under current law, the Department of Community Affairs (the “Department”) is responsible for providing assistance to municipalities, and is charged with oversight of the affairs of local governments. The Department also operates numerous affordable housing programs funded by the Department of Housing and Urban Development and the State of New Jersey. The performance of these obligations can be significantly improved and streamlined by consolidating the statutory functions, powers, and duties of the Council with those of the Department. Accordingly, this Plan transfers all functions, powers, duties, and personnel of the Council, in but not of the Department of Community Affairs, to the

Commissioner of the Department. The terms of offices of all existing members of the Council will be abolished.

Placing the administration of affordable housing under the direction of the Department will produce significant cost savings to State and local government taxpayers. First, municipal development will be achieved through a single, predictable rule-making process conducted under the familiar and well-established provisions of the Administrative Procedures Act. Second, local governments will be freed from the sometimes inconsistent directions provided by COAH and the Department, thereby reducing the legal and administrative costs resulting from regulatory uncertainty. Third, the Department can effectively manage the State's affordable housing obligations without the necessity of the multi-member Council and a separate full-time staff. Taxpayers will also benefit from the elimination of the compensation paid to COAH board members for their time, travel costs, and attendance at meetings.

Finally, this Plan will address the needs of both the providers and beneficiaries of affordable housing in New Jersey by organizing all programs within a single regulatory body. Consolidating the authority for housing in the Department will reduce bureaucracy and foster predictability and consistency for developers and housing advocates alike, curb procedural inefficiencies and maneuvering, resulting litigation, and unreasonable delays and costs to municipalities and the private sector, while appropriately increasing the availability of affordable housing throughout the state.

NOW, THEREFORE, in accordance with the provisions of the Executive Reorganization Act of 1969, P.L.1969, c.203 (C.52:14C-1 et seq.), I find, with respect to the transfer, consolidation, and reorganization provided for in this Plan, that they are necessary in order to accomplish the purposes set forth in Section 2 of that Act and will do the following:

1. Promote the better execution of the laws, the more effective management of the Executive branch and of its agencies and functions, and the expeditious administration of the public business;
2. Reduce expenditures and promote economy consistent with the efficient operation of the Executive;
3. Increase the efficiency of the operations of the Executive;
4. Group, co-ordinate, and consolidate functions of the Executive according to major purposes; and
5. Eliminate overlapping and duplication of effort.

PROVISIONS OF THE REORGANIZATION PLAN

Therefore, I hereby order the following reorganization:

1. The Council on Affordable Housing created pursuant to P.L.1985, c.222 (C.52:27D-301 et seq.) is abolished.

2. The terms of offices of all existing members of the Council are hereby abolished. All of the powers, functions, and duties exercised by the Council, including, but not limited to, those powers, functions, and duties pursuant to P.L.1985, c.222, as amended and supplemented (C.52:27D-301 et seq.), P.L.2004, c.120, s.25 (C.13:20-23), and P.L.2008, c.46 (C.40:55D-8.1 et seq.), are continued, transferred to, and vested in the Commissioner of the Department, to be organized within the Department as determined by the Commissioner, and shall henceforth be exercised by the Commissioner of the Department.

3. All files, books, papers, records, equipment, other property held by the Council, including, without limitation, monies authorized to be collected and applied to the costs of the program hereby transferred and any such property or monies received after the effective date of this plan, and personnel are transferred to the Department, pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.), and any monies are to be deposited in such accounts as may be required by law.

4. Whenever, in any law, rule, regulation, contract, order, document, judicial or administrative proceeding, or otherwise, reference to the Council is made, the same shall mean the Commissioner of the Department of Community Affairs or the Department, as appropriate, except where the context clearly requires otherwise.

GENERAL PROVISIONS

1. I find that each aspect of this reorganization is necessary to accomplish the purposes set forth in Section 2 of P.L. 1969, c. 203. Specifically, this reorganization will promote economy to the fullest extent consistent with the efficient operation of the Executive Branch according to major purposes. It will group, coordinate, and consolidate functions in a more consistent and practical manner and eliminate overlapping and duplication of functions.

2. Any section or part of this Plan that conflicts with Federal law or regulations shall be considered null and void unless and until addressed and corrected through an interagency agreement, Federal waiver, or other means.

3. All acts and parts of acts and plans or parts of plans inconsistent with the provisions of this Plan are superseded to the extent of such inconsistencies.

4. If any provision of this Plan, or the application thereof to any person, or circumstance, or the exercise of any power or authority thereunder, is held invalid or contrary to the law, such holding shall not affect other provisions or applications of the Plan, or affect other exercises or power or authority under such provisions not contrary to law. To this end, the provisions of this Plan are declared to be severable.

5. This Plan is intended to protect and promote public health, safety, and welfare, and shall be liberally construed to attain the objectives and effect the purposes thereof.

6. All transfers directed by this Plan shall be effected pursuant to the "State Agency Transfer Act," P.L. 1971, c. 375 (C.52:14D-1 et seq.).

7. A copy of this Reorganization Plan was filed on June 29, 2011 with the Secretary of State and with the Office of Administrative Law for publication in the New Jersey Register. This Plan shall become effective at the end of a period of 60 calendar days after the date of filing, unless disapproved by each House of the Legislature by the passage of a concurrent resolution stating in substance that the Legislature does not favor this Reorganization Plan, or at a date later than the end of such 60-calendar day period after the date of filing, should the Governor establish such a later date of the Plan, or any part thereof, by Executive Order.

PLEASE TAKE NOTICE that this Plan, if not disapproved, has the force and effect of law and will be printed and published in the annual edition of the Public Laws and in the New Jersey Register under the heading of "Reorganization Plans."

Filed June 29, 2011.

Effective August 28, 2011.

REORGANIZATION PLAN NO.002-2011

A PLAN FOR THE TRANSFER OF THE STATE PLANNING COMMISSION AND THE OFFICE OF SMART GROWTH AND THEIR FUNCTIONS, POWERS, AND DUTIES FROM THE DEPARTMENT OF COMMUNITY AFFAIRS TO THE DEPARTMENT OF STATE

PLEASE TAKE NOTICE that on June 29, 2011, Governor Chris Christie hereby issues this Reorganization Plan, No. 002-2011 (the “Plan”) to transfer the State Planning Commission and the Office of Smart Growth (hereinafter collectively referred to as the “State Planning Entities”) from the Department of Community Affairs to the Department of State, thereby promoting efficiency and effectiveness in the execution of the important growth planning and coordination responsibilities of the State Planning Entities. This Plan furthers the efforts of the Executive Branch to implement the recommendations of the Red Tape Review Group created by Executive Order No. 3 (2010). In its April 19, 2010 report, the Red Tape Review Group identified a need to strengthen the State Planning Entities and recommended transferring their functions to the Department of State in order to reinvigorate the planning functions of State government.

GENERAL STATEMENT OF PURPOSE

The purpose of this Plan is to streamline and realign important strategic and coordination responsibilities with respect to growth and land use planning in New Jersey. The State Planning Entities were established within the Department of the Treasury pursuant to the State Planning Act, and were subsequently reorganized within the Department of Community Affairs. These entities are charged with, inter alia, coordinating long-term and short-term planning for growth, economic development, urban renewal, agriculture, natural resource preservation, open space conservation, and other appropriate land uses throughout the State. The State Planning Entities’ responsibilities include working closely with stakeholders at the State and local levels and coordinating with principal departments of State government to target and coordinate the State’s resources and funding in ways that enhance the quality of life for residents of New Jersey.

The State Planning Entities are currently allocated within the Department of Community Affairs, which is primarily charged with providing administrative guidance, support, and technical assistance to local government units, as well as administrative responsibility regarding affordable housing. However, modern land use planning necessarily must integrate a large number of interests that are regulated by different agencies and departments of government, including transportation, housing, environmental protection, energy, economic development, public services, facilities, and institutions. New Jersey’s planning and regulatory environment has previously sent conflicting signals about where growth will be supported by State permits and policy. The Department of State enjoys central placement in

the architecture of State government and is well positioned to balance and coordinate the myriad of competing interests that must be reconciled in order to achieve successful land use and growth planning.

Moreover, pursuant to an Intergovernmental Agreement between the Department of State and the Department of Community Affairs executed in August 2010, the Department of State has been successfully assisting in the performance of many of the responsibilities undertaken in the past by the Department of Community Affairs. Consistent with the purposes of that agreement, this Plan transfers the State Planning Entities and all of their functions, powers, duties, and personnel from the Department of Community Affairs to the Department of State in order to better position them to accomplish their missions.

NOW, THEREFORE, in accordance with the provisions of the Executive Reorganization Act of 1969, P.L.1969, c.203 (C.52:14C-1 et seq.), I find, with respect to the transfer and reorganization provided for in this Plan, that they are necessary in order to accomplish the purposes set forth in Section 2 of that Act and will do the following:

1. Promote the better execution of the laws, the more effective management of the Executive branch and of its agencies and functions, and the expeditious administration of the public business;
2. Promote economy consistent with the efficient operation of the Executive;
3. Increase the efficiency of the operations of the Executive;
4. Group, co-ordinate, and consolidate functions of the Executive according to major purposes; and
5. Eliminate overlapping and duplication of effort.

PROVISIONS OF THE REORGANIZATION PLAN

Therefore, I hereby order the following reorganization:

1. The State Planning Commission is transferred from the Department of Community Affairs to the Department of State.
2. The Office of Smart Growth is transferred from the Department of Community Affairs to the Department of State and is renamed as the "Office of Planning Advocacy."
3. The structure and operations of the State Planning Entities shall not be affected by this transfer. All of the powers, functions, and duties exercised by the State Planning Entities are continued, transferred, and vested in the

State Planning Commission and the Office of Planning Advocacy, as the case may be, and are allocated and organized within the Department of State.

4. All files, books, papers, records, equipment, other property held by the State Planning Entities, including, without limitation, funds and other resources, and personnel are transferred to the Department of State, pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.), and funds are to be deposited in such accounts as may be required by law.

5. Whenever, in any law, rule, regulation, contract, order, document, judicial or administrative proceeding, or otherwise, reference to the State Planning Commission in the Department of Community Affairs is made, the same shall mean the State Planning Commission in the Department of State, and whenever, in any law, rule, regulation, contract, order, document, judicial or administrative proceeding, or otherwise, reference to the Office of Smart Growth in the Department of Community Affairs is made, the same shall mean the Office of Planning Advocacy in the Department of State, except where the context clearly requires otherwise.

GENERAL PROVISIONS

1. I find that each aspect of this reorganization is necessary to accomplish the purposes set forth in Section 2 of P.L.1969, c.203. Specifically, this reorganization will promote economy to the fullest extent consistent with the efficient operation of the Executive Branch according to major purposes. It will group, coordinate, and consolidate functions in a more consistent and practical manner and eliminate overlapping and duplication of functions.

2. Any section or part of this Plan that conflicts with Federal law or regulations shall be considered null and void unless and until addressed and corrected through an interagency agreement, Federal waiver, or other means.

3. All acts and parts of acts and reorganization plans or parts of reorganization plans inconsistent with the provisions of this Plan are superseded to the extent of such inconsistencies.

4. If any provision of this Plan, or the application thereof to any person, or circumstance, or the exercise of any power or authority thereunder, is held invalid or contrary to the law, such holding shall not affect other provisions or applications of the Plan, or affect other exercises or power or authority under such provisions not contrary to law. To this end, the provisions of this Plan are declared to be severable.

5. This Plan is intended to protect and promote public health, safety, and welfare, and shall be liberally construed to attain the objectives and effect the purposes thereof.

6. All transfers directed by this Plan shall be effected pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

7. A copy of this Reorganization Plan was filed on June 29, 2011 with the Secretary of State and with the Office of Administrative Law for publication in the New Jersey Register. This Plan shall become effective at the end of a period of 60 calendar days after the date of filing, unless disapproved by each House of the Legislature by the passage of a concurrent resolution stating in substance that the Legislature does not favor this Reorganization Plan, or at a date later than the end of such 60-calendar day period after the date of filing, should the Governor establish such a later date of the Plan, or any part thereof, by Executive Order.

PLEASE TAKE NOTICE that this Plan, if not disapproved, has the force and effect of law and will be printed and published in the annual edition of the Public Laws and in the New Jersey Register under the heading of "Reorganization Plans."

Filed June 29, 2011.

Effective August 28, 2011.

REORGANIZATION PLAN NO.003-2011

A PLAN FOR THE TRANSFER OF THE DIVISION OF BUSINESS ASSISTANCE, MARKETING, AND INTERNATIONAL TRADE, AND ITS FUNCTIONS, POWERS, AND DUTIES FROM THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY TO THE DEPARTMENT OF STATE

PLEASE TAKE NOTICE that on June 29, 2011, Governor Chris Christie hereby issues this Reorganization Plan, No. 003-2011 (the "Plan"), to transfer the Division of Business Assistance, Marketing, and International Trade, commonly known as the Business Retention and Attraction Division (hereinafter referred to as the "Division"), within the New Jersey Economic Development Authority (the "Authority"), to the Department of State (the "Department"), thereby promoting efficiency and effectiveness in the operations of the executive branch by streamlining the management and execution of important business-related priorities of the State. This Plan furthers the efforts of the Executive Branch to implement the recommendations of the Red Tape Review Group created by Executive Order No. 3

(2010). In its April 19, 2010 report, the Red Tape Review Group endorsed a new model for job creation and retention, and economic growth and investment in the State, via the consolidation of existing economic development programs to a central entity under the supervision of the Lieutenant Governor in her capacity as Secretary of State.

GENERAL STATEMENT OF PURPOSE

The purpose of this Plan is to streamline important management and execution responsibilities with respect to business-related priorities of the State. The Division was established following a 2008 State government realignment pursuant to which certain business-related functions previously performed by the New Jersey Commerce Commission were transferred to the Authority. Division staff are responsible for focusing on domestic and international business attraction, expansion, and retention efforts, as well as outreach and planning functions and maintenance of a business call center. In 2010, the Administration announced the commencement of a multifaceted outreach and business-assistance effort headed by the Lieutenant Governor in her capacity as Secretary of State. The effort included organizational as well as strategic elements to attract new businesses to New Jersey and help existing businesses thrive by focusing on increased relationship-building and person-to-person outreach, coordinated promotion of state incentives and resources, and enhanced assistance for businesses navigating state government programs and processes. The Lieutenant Governor's efforts include the creation of the Business Action Center to serve as a comprehensive resource for all businesses located in, or considering relocation to, the State. Since that time, the Department and the Authority have entered into, and operated effectively under, a Memorandum of Understanding pursuant to which Authority personnel from the Division work closely with Department staff to support the efforts of the Business Action Center. This arrangement has proven successful in bringing increased customer services and coordination for businesses looking to remain, expand, or locate in New Jersey.

Consistent with the goals of that effort, the purpose of this Plan is to improve efficiency, promote coordination, and improve quality in the performance of the responsibilities of the Division by transferring its functions, powers, and duties to the Department to support the Business Action Center. Accordingly, this Plan transfers the Division and all of its functions, powers, duties, and personnel to the Department.

NOW, THEREFORE, in accordance with the provisions of the Executive Reorganization Act of 1969, P.L.1969, c.203 (C.52:14C-1 et seq.), I find, with respect to the transfer provided for in this Plan, that it is necessary in order to accomplish the purposes set forth in Section 2 of that Act and will do the following:

1. Promote the better execution of the laws, the more effective management of the Executive branch and of its agencies and functions, and the expeditious administration of the public business;
2. Promote economy consistent with the efficient operation of the Executive;
3. Increase the efficiency of the operations of the Executive;
4. Group, co-ordinate, and consolidate functions of the Executive according to major purposes; and
5. Eliminate overlapping and duplication of effort.

PROVISIONS OF THE REORGANIZATION PLAN

Therefore, I hereby order the following reorganization:

1. The Division of Business Assistance, Marketing, and International Trade, commonly known as the Business Retention and Attraction Division, including the Motion Picture and Television Development Commission ("Motion Picture Commission"), which is in, but not of, the Division, within the New Jersey Economic Development Authority is transferred to the Department of State.

2. All of the powers, functions, and duties exercised by the Division, including the powers, functions and duties of the Motion Picture Commission, are continued, transferred, and vested in the Department, to be organized within the Department as determined by the Secretary of State, in support of the operations of the Business Action Center.

3. All files, books, papers, records, equipment, other property held by or on behalf of the Division, including, without limitation, funds and other resources, and personnel are transferred to the Department, pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.), and funds are to be deposited in such accounts as may be required by law.

4. Whenever, in any law, rule, regulation, contract, order, document, judicial or administrative proceeding, or otherwise, reference to the Division of Business Assistance, Marketing, and International Trade or the Business Retention and Attraction Division within the New Jersey Economic Development Authority is made, the same shall mean the Business

Action Center in the Department of State, and whenever in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Motion Picture and Television Development Commission, the same shall mean and refer to the Motion Picture and Television Development Commission in, but not of, the Business Action Center, except where the context clearly requires otherwise.

GENERAL PROVISIONS

1. I find that each aspect of this reorganization is necessary to accomplish the purposes set forth in Section 2 of P.L. 1969, c. 203. Specifically, this reorganization will promote economy to the fullest extent consistent with the efficient operation of the Executive Branch according to major purposes. It will group, coordinate, and consolidate functions in a more consistent and practical manner and eliminate overlapping and duplication of functions.

2. Any section or part of this Plan that conflicts with Federal law or regulations shall be considered null and void unless and until addressed and corrected through an interagency agreement, Federal waiver, or other means.

3. All acts and parts of acts and reorganization plans or parts of reorganization plans inconsistent with the provisions of this Plan are superseded to the extent of such inconsistencies.

4. If any provision of this Plan, or the application thereof to any person, or circumstance, or the exercise of any power or authority thereunder, is held invalid or contrary to the law, such holding shall not affect other provisions or applications of the Plan, or affect other exercises or power or authority under such provisions not contrary to law. To this end, the provisions of this Plan are declared to be severable.

5. This Plan is intended to protect and promote public health, safety, and welfare, and shall be liberally construed to attain the objectives and effect the purposes thereof.

6. All transfers directed by this Plan shall be effected pursuant to the "State Agency Transfer Act," P.L. 1971, c. 375 (C.52:14D-1 et seq.).

7. A copy of this Reorganization Plan was filed on June 29, 2011 with the Secretary of State and with the Office of Administrative Law for publication in the New Jersey Register. This Plan shall become effective at the end of a period of 60 calendar days after the date of filing, unless disapproved by each House of the Legislature by the passage of a concurrent resolution stating in substance that the Legislature does not favor this Reorganization Plan, or at a date later than the end of such 60-calendar day pe-

riod after the date of filing, should the Governor establish such a later date of the Plan, or any part thereof, by Executive Order.

PLEASE TAKE NOTICE that this Plan, if not disapproved, has the force and effect of law and will be printed and published in the annual edition of the Public Laws and in the New Jersey Register under the heading of "Reorganization Plans."

Filed June 29, 2011.

Effective August 28, 2011.

REORGANIZATION PLAN NO.004-2011

A PLAN FOR THE TRANSFER OF THE AMISTAD COMMISSION AND ITS FUNCTIONS, POWERS, AND DUTIES FROM THE DEPARTMENT OF STATE TO THE DEPARTMENT OF EDUCATION

PLEASE TAKE NOTICE that on June 29, 2011, Governor Chris Christie hereby issues this Reorganization Plan, No. 004-2011 (the "Plan"), to transfer the Amistad Commission (hereinafter referred to as the "Commission") from the Department of State to the Department of Education, thereby promoting efficiency and effectiveness in the execution of its important mission and responsibilities. This Plan furthers the ongoing efforts of the Administration to streamline and make more effective the operations of the Executive Branch in the interests of efficiency and economy, and to organize, group, and coordinate the agencies and functions of the Executive Branch according to major purposes so as to promote the better execution of the laws.

GENERAL STATEMENT OF PURPOSE

The purpose of this Plan is to improve efficiency and quality in the performance of the responsibilities of the Amistad Commission by relocating it within the Department of Education. The Amistad Commission ("Commission") was established pursuant to P.L. 2002, c. 75, as amended (C.52:16A-86 et seq.), in order to, inter alia, coordinate educational and other programs to promote awareness of the dehumanizing atrocities associated with the African slave trade, the legacy of slavery, and the positive contributions of African-Americans in building our country. More specifically, the Commission is charged with assisting educators in implementing the policy of the State of New Jersey that the history of the African slave trade and slavery in America, the depth of their impact on our society, and the triumphs of

African-Americans and their significant contributions to the development of this country are the proper concern of all people, and particularly students enrolled in the schools of the State of New Jersey.

Currently, the Commission is allocated within the Department of State, which is responsible for a variety of important functions including preserving and promoting the State's arts, history, and culture, as well as overseeing elections and promoting economic development and business-related assistance. In recognition of the Commission's significant educational mission, the Department of Education is currently required, pursuant to sections 2 and 3 of P.L. 2002, c. 75 (C.52:16A-86 et seq.), to provide appropriate assistance to the Commission. Such assistance includes, but is not limited to, developing educational curricula, disseminating information to educators, administrators and school districts, and conducting teacher workshops beneficial to the promotion of the mission of the Commission.

In order to improve efficiency and quality in the performance of the responsibilities of the Commission, this Plan provides for the transfer of the Commission to the Department of Education. The Department of Education employs experts in curriculum development and, by virtue of its significant educational oversight responsibilities, is uniquely positioned to work with educators and disseminate information to school districts and teachers throughout the State. Moreover, pursuant to an Agreement between the Department of State and the Department of Education executed last year, the Department of Education has been successfully assisting in the performance of many of the responsibilities undertaken in the past solely by the Department of State. Accordingly, this Plan transfers the Amistad Commission, along with all of its functions, powers, duties, and personnel, from the Department of State to the Department of Education. The Department of State and the Department of Education will continue their cooperation with respect to the Commission as contemplated by sections 2 and 3 of P.L. 2002, c. 75 (C.52:16A-86 et seq.).

NOW, THEREFORE, in accordance with the provisions of the "Executive Reorganization Act of 1969," P.L. 1969, P.L. 1969, c.203 (C.52:14C-1 et seq.), I find, with respect to the transfer, consolidation, and reorganization provided for in this Plan, that they are necessary in order to accomplish the purposes set forth in Section 2 of that Act and will do the following:

1. Promote the better execution of the laws, the more effective management of the Executive branch and of its agencies and functions, and the expeditious administration of the public business;

2. Reduce expenditures and promote economy consistent with the efficient operation of the Executive;
3. Increase the efficiency of the operations of the Executive;
4. Group, co-ordinate, and consolidate functions of the Executive according to major purposes; and
5. Eliminate overlapping and duplication of effort.

PROVISIONS OF THE REORGANIZATION PLAN

THEREFORE, I hereby order the following reorganization:

1. The Amistad Commission created pursuant to P.L.2002, c.75, as amended (C.52:16A-86 et seq.) is transferred from the Department of State to the Department of Education.

2. The terms of offices of all existing members of the Commission shall not be affected. All of the powers, functions, and duties exercised by the Commission are continued; provided, however, that notwithstanding the provisions of subsection (d) of section 2 of P.L.2002, c.75 (C.52:16A-87(d)) to the contrary, the Commissioner of Education shall serve as chair of the Commission and the Secretary of State shall serve as vice-chair of the Commission. Consistent with section 2 of P.L.2002, c.75 (C.52:16A-87), the New Jersey Historical Commission shall continue to advise and provide recommendations to the Amistad Commission, as appropriate.

3. All files, books, papers, records, equipment, other property held by the Commission, including, without limitation, funds and other resources, and personnel are transferred to the Department of Education, pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.), and any funds are to be deposited in such accounts as may be required by law.

4. Whenever, in any law, rule, regulation, contract, order, document, judicial or administrative proceeding or otherwise, reference to the Amistad Commission allocated within the Department of State is made, the same shall mean the Amistad Commission allocated within the Department of Education, except where the context clearly requires otherwise.

GENERAL PROVISIONS

1. I find that each aspect of this reorganization is necessary to accomplish the purposes set forth in section 2 of P.L.1969, c.203. Specifically, this reorganization will promote economy to the fullest extent consistent with the efficient operation of the Executive Branch according to major purposes. It will group, coordinate, and consolidate functions in a more

consistent and practical manner and eliminate overlapping and duplication of functions.

2. Any section or part of this Plan that conflicts with Federal law or regulations shall be considered null and void unless and until addressed and corrected through an interagency agreement, Federal waiver or other means.

3. All acts and parts of acts and plans or parts of plans inconsistent with the provisions of this Plan are superseded to the extent of such inconsistencies.

4. If any provision of this Plan, or the application thereof to any person, or circumstance, or the exercise of any power or authority thereunder, is held invalid or contrary to the law, such holding shall not affect other provisions or applications of the Plan, or affect other exercises or power or authority under such provisions not contrary to law. To this end, the provisions of this Plan are declared to be severable.

5. This Plan is intended to protect and promote public health, safety, and welfare, and shall be liberally construed to attain the objectives and effect the purposes thereof.

6. All transfers directed by this Plan shall be effected pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

7. A copy of this Reorganization Plan was filed on June 29, 2011 with the Secretary of State and with the Office of Administrative Law for publication in the New Jersey Register. This Plan shall become effective at the end of a period of 60 calendar days after the date of filing, unless disapproved by each House of the Legislature by the passage of a concurrent resolution stating in substance that the Legislature does not favor this Reorganization Plan, or at a date later than the end of such 60-calendar day period after the date of filing, should the Governor establish such a later date of the Plan, or any part thereof, by Executive Order.

PLEASE TAKE NOTICE that this Plan, if not disapproved, has the force and effect of law and will be printed and published in the annual edition of the Public Laws and in the New Jersey Register under the heading of "Reorganization Plans."

Filed June 29, 2011.

Effective August 28, 2011.

REORGANIZATION PLAN NO.005-2011

A PLAN FOR THE ABOLITION OF THE NEW JERSEY COMMISSION
ON HIGHER EDUCATION AND PROVIDING FOR THE TRANSFER
OF THE FUNCTIONS, POWERS AND DUTIES OF THE COMMISSION
TO THE SECRETARY OF HIGHER EDUCATION

PLEASE TAKE NOTICE that on June 29, 2011, Governor Chris Christie hereby issues this Reorganization Plan, No. 005-2011 (the "Plan") to abolish the New Jersey Commission on Higher Education (hereinafter referred to as the "Commission") and to transfer the powers, functions, and duties of the Commission to the Secretary of Higher Education. This Plan furthers the ongoing efforts of the Executive Branch to implement the recommendations of the New Jersey Higher Education Task Force (the "Task Force") created by Executive Order No. 26 (2010) chaired by Governor Thomas H. Kean. In its December 2010 report, the Task Force specifically noted the immediate need for reform of the State's higher education governance structure to improve coordination, effectiveness, and accountability in service of New Jersey's students and residents. In this regard, the Task Force emphasized that New Jersey must reform its statewide coordinating structure for higher education and made various recommendations, including the elimination of the Commission on Higher Education, empowering the Secretary of Higher Education, and improving the strength and independence of boards of trustees. The Task Force also recommended the creation of a new advisory Governor's Higher Education Council which would assist and provide advice and support to the Secretary of Higher Education, while also advising the Governor on higher education issues.

GENERAL STATEMENT OF PURPOSE

The purpose of this Plan is to improve the effectiveness of the State's oversight of higher education, reduce the unnecessary complexity of higher education administration in New Jersey, lower administrative costs, and streamline decision-making. When the legislature recently created the position of the Secretary of Higher Education, it recognized the importance of continuously looking to improve the quality of higher education while simultaneously strengthening our statewide coordinating structure. Under current law, the Commission on Higher Education, comprised of 17 members, is allocated in but not of the Department of State and is responsible for a diverse array of important planning, advocacy, and regulatory matters,

including final agency decisionmaking over institutional licensure, new academic programs, and other important matters. The Secretary of Higher Education serves as the Executive Director of the Commission and is granted authority to, among other things, visit public institutions of higher education to examine how they conduct their affairs and to enforce observance of the laws of the State. Current law specifies that the Secretary shall hold cabinet level rank.

The performance of these obligations and responsibilities can be significantly improved by consolidating the statutory powers and duties of the Commission with those of the Secretary. The Secretary should be the primary advisor to the Governor on higher education matters and, commensurate with holding cabinet level rank, the Secretary should be empowered in the same manner as the other commissioners and secretaries of most of the principal departments of State government, with authority to make final agency determinations. Accordingly, this Plan transfers all functions, powers, duties, and personnel of the Commission, in but not of the Department of State, to the Secretary of Higher Education. The terms of offices of all existing members of the Commission will be abolished.

Placing the administration of higher education under the direction of the Secretary will produce greater efficiency and accountability in a structure that has proved effective for other principal departments of State government, with a single chief administrative officer overseeing State functions relating to higher education. As noted by the Task Force, higher education is indispensable to a thriving economy and a well functioning society. By consolidating these functions, the Secretary will be empowered to lead the statewide planning effort for higher education, and ensure transparency and accountability by institutions. Similarly, as a cabinet level official, the Secretary should be charged with advising and making recommendations to the Governor and the Legislature on significant matters involving higher education.

NOW, THEREFORE, in accordance with the provisions of the Executive Reorganization Act of 1969, P.L. 1969, c.203 (C.52:14C-1 et seq.), I find, with respect to the transfer, consolidation, and reorganization provided for in this Plan, that they are necessary in order to accomplish the purposes set forth in Section 2 of that Act and will do the following:

1. Promote the better execution of the laws, the more effective management of the Executive branch and of its agencies and functions, and the expeditious administration of the public business;

2. Reduce expenditures and promote economy consistent with the efficient operation of the Executive;
3. Increase the efficiency of the operations of the Executive;
4. Group, coordinate, and consolidate functions of the Executive according to major purposes;
5. Eliminate overlapping and duplication of efforts.

PROVISIONS OF THE REORGANIZATION PLAN

THEREFORE, I hereby order the following reorganization:

1. The New Jersey Commission on Higher Education created pursuant to P.L.1994, c.48 (C.18A:3B-13 et seq.) is abolished.
2. The terms of offices of all existing members of the Commission are hereby abolished. All of the powers, functions, and duties exercised by the Commission, including, but not limited to, those powers, functions, and duties granted pursuant to P.L.1994, c.48, (C.18A:3B-1 et seq.) as amended and supplemented, are continued, transferred to, and vested in the Secretary of Higher Education and shall henceforth be exercised by the Secretary.
3. All files, books, papers, records, equipment, and other property held by the Commission, including, without limitation, funds and other resources, are hereby transferred, and received after the effective date of this plan, are transferred to the Secretary, pursuant to the "State Agency Transfer Act," P.L. 1971, c.375 (C.52:14D-1 et seq.), to be deposited in such accounts as may be required by law.
4. Whenever, in any law, rule, regulation, contract, order, document, judicial or administrative proceeding, or otherwise, reference to the Commission of Higher Education or the Chair thereof is made, the same shall mean the Secretary of Higher Education, except where the context clearly requires otherwise.

GENERAL PROVISIONS

1. I find that each aspect of this reorganization is necessary to accomplish the purposes set forth in Section 2 of P.L.1969, c.203. Specifically, this reorganization will promote economy to the fullest extent consistent with the efficient operation of the Executive Branch according to major purposes. It will group, coordinate and consolidate functions in a more consistent and practical manner and eliminate overlapping and duplication of functions.

2. Any section or part of this Plan that conflicts with Federal law or regulations shall be considered null and void unless and until addressed and corrected through an interagency agreement, Federal waiver or other means.

3. All acts and parts of acts and plans or parts of plans inconsistent with the provisions of this Plan are superseded to the extent of such inconsistencies.

4. If any provision of this Plan, or the application thereof to any person, or circumstance, or the exercise of any power or authority thereunder, is held invalid or contrary to the law, such holding shall not affect other provisions or applications of the Plan, or affect other exercises or power or authority under such provisions not contrary to law. To this end, the provisions of this Plan are declared to be severable.

5. This Plan is intended to protect and promote public health, safety, and welfare, and shall be liberally construed to attain the objectives and defect the purposes thereof.

6. All transfers directed by this Plan shall be effected pursuant to the "State Agency Transfer Act," P.L. 1971, c.375 (C.52:14D-1 et seq.).

7. A copy of this Reorganization Plan was filed on June 29, 2011 with the Secretary of State and with the Office of Administrative Law for publication in the New Jersey Register. This Plan shall become effective at the end of a period of 60 calendar days after the date of filing, unless disapproved by each House of the Legislature by the passage of a concurrent resolution stating in substance that the Legislature does not favor this Reorganization Plan, or at a date later than the end of such 60-calendar day period after the date of filing, should the Governor establish such a later date of the Plan, or any part thereof, by Executive Order.

PLEASE TAKE NOTICE that this Plan, if not disapproved, has the force and effect of law and will be printed and published in the annual edition of the Public Laws and in the New Jersey Register under the heading of "Reorganization Plans."

Filed June 29, 2011.

Effective August 28, 2011.

**AMENDMENT
ADOPTED IN 2011 TO
THE 1947 CONSTITUTION**

(1819)

AMENDMENT ADOPTED IN 2011 TO THE 1947 CONSTITUTION

ARTICLE IV, SECTION VII, PARAGRAPH 2

Amend Article IV, Section VII, paragraph 2 to read as follows:

2. No gambling of any kind shall be authorized by the Legislature unless the specific kind, restrictions and control thereof have been heretofore submitted to, and authorized by a majority of the votes cast by, the people at a special election or shall hereafter be submitted to, and authorized by a majority of the votes cast thereon by, the legally qualified voters of the State voting at a general election, except that, without any such submission or authorization:

A. It shall be lawful for bona fide veterans, charitable, educational, religious or fraternal organizations, civic and service clubs, senior citizen associations or clubs, volunteer fire companies and first-aid or rescue squads to conduct, under such restrictions and control as shall from time to time be prescribed by the Legislature by law, games of chance of, and restricted to, the selling of rights to participate, the awarding of prizes, in the specific kind of game of chance sometimes known as bingo or lotto, played with cards bearing numbers or other designations, 5 or more in one line, the holder covering numbers as objects, similarly numbered, are drawn from a receptacle and the game being won by the person who first covers a previously designated arrangement of numbers on such a card, when the entire net proceeds of such games of chance are to be devoted to educational, charitable, patriotic, religious or public-spirited uses, and in the case of senior citizen associations or clubs to the support of such organizations, in any municipality, in which a majority of the qualified voters, voting thereon, at a general or special election as the submission thereof shall be prescribed by the Legislature by law, shall authorize the conduct of such games of chance therein;

B. It shall be lawful for the Legislature to authorize, by law, bona fide veterans, charitable, educational, religious or fraternal organizations, civic and service clubs, senior citizen associations or clubs, volunteer fire companies and first-aid or rescue squads to conduct games of chance of, and restricted to, the selling of rights to participate, and the awarding of prizes,

in the specific kinds of games of chance sometimes known as raffles, conducted by the drawing for prizes or by the allotment of prizes by chance, when the entire net proceeds of such games of chance are to be devoted to educational, charitable, patriotic, religious or public-spirited uses, and in the case of senior citizen associations or clubs to the support of such organizations, in any municipality, in which such law shall be adopted by a majority of the qualified voters, voting thereon, at a general or special election as the submission thereof shall be prescribed by law and for the Legislature, from time to time, to restrict and control, by law, the conduct of such games of chance;

C. It shall be lawful for the Legislature to authorize the conduct of State lotteries restricted to the selling of rights to participate therein and the awarding of prizes by drawings when the entire net proceeds of any such lottery shall be for State institutions and State aid for education; provided, however, that it shall not be competent for the Legislature to borrow, appropriate or use, under any pretense whatsoever, lottery net proceeds for the confinement, housing, supervision or treatment of, or education programs for, adult criminal offenders or juveniles adjudged delinquent or for the construction, staffing, support, maintenance or operation of an adult or juvenile correctional facility or institution;

D. It shall be lawful for the Legislature to authorize by law the establishment and operation, under regulation and control by the State, of gambling houses or casinos within the boundaries, as heretofore established, of the city of Atlantic City, county of Atlantic, and to license and tax such operations and equipment used in connection therewith. Any law authorizing the establishment and operation of such gambling establishments shall provide for the State revenues derived therefrom to be applied solely for the purpose of providing funding for reductions in property taxes, rental, telephone, gas, electric, and municipal utilities charges of eligible senior citizens and disabled residents of the State, and for additional or expanded health services or benefits or transportation services or benefits to eligible senior citizens and disabled residents, in accordance with such formulae as the Legislature shall by law provide. The type and number of such casinos or gambling houses and of the gambling games which may be conducted in any such establishment shall be determined by or pursuant to the terms of the law authorizing the establishment and operation thereof.

It shall also be lawful for the Legislature to authorize by law wagering at casinos or gambling houses in Atlantic City on the results of any professional, college, or amateur sport or athletic event, except that wagering shall not be permitted on a college sport or athletic event that takes place in

New Jersey or on a sport or athletic event in which any New Jersey college team participates regardless of where the event takes place;

E. It shall be lawful for the Legislature to authorize, by law, (1) the simultaneous transmission by picture of running and harness horse races conducted at racetracks located within or outside of this State, or both, to gambling houses or casinos in the city of Atlantic City and (2) the specific kind, restrictions and control of wagering at those gambling establishments on the results of those races. The State's share of revenues derived therefrom shall be applied for services to benefit eligible senior citizens as shall be provided by law; and

F. It shall be lawful for the Legislature to authorize, by law, the specific kind, restrictions and control of wagering on the results of live or simulcast running and harness horse races conducted within or outside of this State. The State's share of revenues derived therefrom shall be used for such purposes as shall be provided by law.

It shall also be lawful for the Legislature to authorize by law wagering at current or former running and harness horse racetracks in this State on the results of any professional, college, or amateur sport or athletic event, except that wagering shall not be permitted on a college sport or athletic event that takes place in New Jersey or on a sport or athletic event in which any New Jersey college team participates regardless of where the event takes place.

Approved November 8, 2011.

Effective December 8, 2011.

INDEX

(1825)

AGRICULTURE

“Jersey Fresh Farm to School Week”; established, C.4:10-25.1 et seq., Ch.10.
Labeling of farm products, laws concerning; clarified, extended, C.4:10-19.2, amends R.S.4:10-5 et al., repeals R.S.4:10-15, Ch.218.
NJ agricultural products, purchase by State agencies, departments, facilities; encouraged, amends C.52:32-1.6, Ch.102.
“New Jersey Fresh Mobiles Pilot Program Act,” C.4:10-25.3 et seq., Ch.223.
Public property, unneeded, certain, sale, lease for “urban” farming, gardening purposes; permitted, amends C.40A:12-15.1 et al., Ch.171.
Urban farming, gardening, lease, sale to certain nonprofits for encouragement, facilitation; authorized, C.40A:12-15.1, amends C.40A:12-15 et al., Ch.35.

ALCOHOLIC BEVERAGES

Home production of wine and beer for personal use, permit requirement; eliminated, C.33:1-75.1, amends R.S.33:1-75, Ch.169.
Wineries, direct shipping; permitted, out-of-State winery license; created, C.33:1-10.1, amends R.S.33:1-10, Ch.207.

AMUSEMENTS

Beach bars, amusement parks, carnival amusement rides, exemption from “Noise Control Act of 1971,” certain circumstances; provided, C.13:1G-4.3, Ch.198.

ANIMALS

“K9 Veterans Day”; March 13; designated, C.36:2-173, Ch.54.
Domestic violence restraining orders, provision for animals; provided, amends C.2C:25-26 et seq., Ch.213.
Pilot program for sterilization of cats and dogs adopted from various facilities; established, impoundment laws; amended, C.4:19-15.30 et seq., amends C.4:19-15.1 et al., Ch.142.
“Schultz’s Law,” killing of police, search and rescue dog, penalties; increased, amends C.2C:29-3.1, Ch.77.

APPROPRIATIONS

AIDS Drug Distribution Program; income eligibility to 500% of federal poverty level; restored, Ch.121.
Annual, Ch.85.
Community Affairs, Department:
 From “Urban and Rural Centers Unsafe Buildings Demolition Revolving Loan Fund,” for various demolitions, disposal projects, \$7,403,340, Ch.229.
 Transitional Aid to Localities Program, \$140,500,000, Ch.144.
Environmental Protection, Department:
 From “2003 Dam, Lake, Stream and Flood Control Project Fund,” for Sayreville flood control project, \$1,047,000, Ch.220.
 From “Clean Waters Fund,” for sewerage infrastructure improvements at former Marlboro Psychiatric Hospital, \$3,567,000, Ch.105.
 Environmental infrastructure projects for FY2012, Ch.93.

APPROPRIATIONS (continued)

- Local government open space acquisition and park development projects, \$84,495,199, Ch.90.
- Historic preservation projects, various, Ch.97.
- Human Services, Department:
 - New Jersey Health ACCESS recipients, eligibility for NJ FamilyCare; restored, Ch.200.
- NJ Environmental Infrastructure Trust, loans for environmental infrastructure projects for FY2012; authorized, Ch.95.
- Nonprofit entities to acquire or develop lands for recreation and conservation purposes, \$14,818,787, Ch.91.
- Nonprofit organizations for farmland preservation purposes, \$8,831,000, Ch.98.
- Planning incentive grants to municipalities for farmland preservation purposes, \$23,000,000, Ch.99.
- State acquisition of lands for recreation, conservation purposes, including Blue Acres projects, \$57,000,000, Ch.92.
- State Agriculture Development Committee:
 - County planning incentive grants, \$39,000,000, Ch.100.
 - farmland preservation purposes, \$23,588,760, Ch.101.
- Supplemental appropriations, amendments to Fiscal Year 2011 appropriations, various, Ch.82.
- “Veteran to Veteran Peer Support Program” telephone hotline, Ch.116.

AUTHORITIES

- Fort Monmouth Economic Revitalization Authority, appointment of members, procedure; changed, amends C.52:27I-25, Ch.197.

BANKING

- “Banking Development District Act,” C.17:16Z-1 et seq., Ch.24.
- Credit unions, service as depositories of public funds; authorized, provision of funds, certain, for financial literacy education; required, C.17:9-43.2, amends C.17:9-41 et al., Ch.108.

BOATING

- Greenwood Lake, dockage fees; eliminated, penalties for permit violations; established, C.32:20A-5.2, amends C.32:20A-5.1, Ch.8.
- Power boat operation during authorized race, exception to age requirement; created, amends C.12:7-61, Ch.107.
- Vessels, abandoned, certain, process of title transfers; laws changed, amends C.12:7C-9 et al., Ch.172.

BRIDGES

- “Captain Joseph Azzolina Memorial Bridge,” Route 36 over Shrewsbury River; designated, Ch.112.

CEMETERIES

Crematories, cremation of human remains, statutes concerning; revised, C.45:27-39 et seq., amends C.45:27-2 et al., repeals C.26:7-11 et al., Ch.230.

CHILDREN

“Caylee’s Law,” failure to report death, penalties; upgraded, C.2C:12-1.3, amends C.52:17B-89, Ch.174.

Juveniles, sexually exploited, certain, affirmative defense regarding prostitution; provided, C.52:4B-44.1, amends C.2A:4A-21 et al., Ch.195.

Youth suicide prevention plan, development, adoption; required, C.30:9A-29 et seq., Ch.166.

CIVIL DEFENSE

Assembly Coastal New Jersey Evacuation Task Force, recommendations; implemented, C.App.A:9-43.8 et seq., Ch.178.

Domestic Preparedness Task Force, membership; expanded, amends C.App.A:9-67, Ch.62.

Emergency evacuations, towing, transportation of boats; prohibited, C.App.A:9-49.1, Ch.103.

CIVIL RIGHTS

Unemployed persons, exclusion in advertisements for job vacancies; prohibited, C.34:8B-1 et seq., Ch.40.

COLLEGES AND UNIVERSITIES

Comprehensive disaster preparedness plan, development, coordination by institutions of higher education; required, C.18A:3B-69, Ch.214.

County colleges, vocational schools, establishment of green job certification programs; authorized, C.18A:54-24.1 et al., Ch.137.

Educational information provided on websites; required, C.18A:62-52 et al., Ch.151.

Fire safety information, dissemination, certain; required, C.18A:3B-14.1, Ch.6.

Students with disabilities, bringing service animal to school; permitted, C.18A:46-13.2 et seq., Ch.156.

COMMERCIAL TRANSACTIONS

Motor vehicle franchises, laws concerning; revised, C.56:10-30 et seq., amends C.56:10-7.3 et al., Ch.66.

COMMISSIONS

Casino Control Commission, membership; reduced, amends C.5:12-50 et al., Ch.196.

Municipal Consolidation Study Commissions, combination of voter petitions and applications; permitted, amends C.40A:65-25, Ch.55.

New Jersey Alzheimer’s Disease Study Commission; established, C.26:2M-16 et seq., Ch.76.

COMMUNICATIONS

Internet website, establishment by governmental entities; required, C.4:24-20.1 et al., amends C.26:3-86 et al., Ch.167.

Wireless telephones, electronic communication devices issued by public entities, activation to receive Amber Alerts; required, C.52:17B-194.3a et seq., Ch.2.

Wireless telephones, electronic communication devices, use by operators of public transit vehicles in certain situations; prohibited, C.27:25-5.18, Ch.5.

CONSTITUTION, STATE

Wagering on sports events at casinos, horse racetracks; permitted, amends Article IV, Section VII, paragraph 2, proposed by SCR132-2011; adopted.

CORPORATIONS

Benefit corporations; created, C.14A:18-1 et seq., Ch.30.

Corporate opportunity doctrine, right of corporation to renounce; provided, amends N.J.S.14A:3-1, Ch.36.

Directors, officers, right to indemnification, certain circumstances; maintained, amends N.J.S.14A:3-5, Ch.31.

Professional corporation, use, registration of alternate name, use of certain abbreviations in business names; permitted, amends C.14A:17-14 et al., Ch.27.

Single sales fraction for corporation business tax income allocation formula, phased in, airline specific sales fraction; established, C.54:10A-6.3, amends C.54:10A-6, Ch.59.

CORRECTIONS

Inmates, provision of comprehensive medical discharge summary; required, amends C.30:1B-6.2, Ch.191.

Parole board reviews of eligibility dates, certain, requirement; removed, early release law; repealed, amends C.30:4-123.56, repeals C.30:4-123.51d, Ch.67.

COUNTIES

Annual reorganization meeting date for county political committees, alternative date if regular date conflicts with period of religious observance; permitted, amends R.S.19:5-3, Ch.180.

Budgets, approved, of counties, municipalities, posting by DCA on website, certain circumstances; required, amends N.J.S.40A:4-10 et al., Ch.7.

Open space trust funds, use for purchase of flood-prone properties; permitted, amends C.40:12-15.1 et al., Ch.173.

COURTS

Central municipal court, authorization to hear cases brought by county office of consumer affairs; provided, amends N.J.S.2B:12-1 et al., Ch.181.

CRIMES AND OFFENSES

Bail restrictions on persons charged with violating domestic violence restraining orders; imposed, amends C.2A:162-12, Ch.138.

“Caylee’s Law,” failure to report death, penalties; upgraded, C.2C:12-1.3, amends C.52:17B-89, Ch.174.

CRIMES AND OFFENSES (continued)

Contraband tobacco products, cigarettes, procedure for destroying; established, C.54:40B-13.1, amends C.54:40A-30 et al., Ch.80.

DNA database, expansion to include samples from certain violent arrestees; provided, C.2C:29-11, amends C.53:1-20.18 et al., Ch.104.

Domestic violence restraining orders, provision for animals; provided, amends C.2C:25-26 et seq., Ch.213.

EZ Pass transponders, lost or stolen, degree of crime, penalties; established, C.2C:20-38 et al., amends N.J.S.2C:20-2, Ch.1.

“Pamela’s Law,” criminalization of possession, sale of bath salts, certain; provided, C.2C:35-5.3a et al., amends N.J.S.2C:35-2, Ch.120.

“Schultz’s Law,” killing of police, search and rescue dog, penalties; increased, amends C.2C:29-3.1, Ch.77.

“Sexting,” posting sexual images, diversionary program for juveniles criminally charged; permitted, C.2A:4A-71.1, amends C.2A:4A-71, Ch.128.

Sexual assault victims not responsible for costs of forensic sexual assault examinations, related services; provided, amends C.52:4B-22 et al., Ch.106.

Unauthorized practice of law, offenses; upgraded, civil action; created, ban from appointment as notary public; provided, C.2C:21-22a et al., amends C.2C:21-22 et al., Ch.209.

CRIMINAL PROCEDURE

Drug Offender Restraining Order Act, certain procedures; modified, amends C.2C:35-5.7 et al., Ch.44.

“Mentally defective,” term, eliminated from Criminal Code, amends C.2C:12-10.2 et al., Ch.232.

DOMESTIC RELATIONS

Domestic Violence Fatality and Near Fatality Review Board, membership; increased, amends C.52:27D-43.17c, Ch.129.

Domestic violence restraining orders, provision for animals; provided, amends C.2C:25-26 et seq., Ch.213.

Marriage, entry into civil union by proxy for certain military personnel serving overseas, C.37:1-17.3, amends R.S.26:8-41 et al., Ch.179.

DRUGS

Pharmacy, sales of syringes, needles without prescription, certain; permitted, C.2C:36-6.2 et seq., Ch.183.

ELECTIONS

Annual reorganization meeting date for county political committees, alternative date if regular date conflicts with period of religious observance; permitted, amends R.S.19:5-3, Ch.180.

Annual school election, procedures for moving date; established, C.19:60-1.1 et al., amends C.18A:7F-5 et al., Ch.202.

Campaign contributions, solicitation on government property; prohibited, amends C.19:44A-19.1, Ch.204.

ELECTIONS (continued)

Mail-in ballots, date for transmission; changed, C.19:59-16 et al., amends R.S.19:13-11 et al., Ch.37.

Presidential primary election, election of certain delegates, alternates, separate; eliminated, amends R.S.19:1-1 et al., Ch.134.

ENVIRONMENT

Hydraulic fracturing; prohibited, Ch.194.

“New Jersey Property Assessment Clean Energy (NJ PACE) Municipal Financing Program”; established, C.40:56-1.4 et al, amends C.40:37A-55, Ch.187.

NJ Environmental Infrastructure Trust Financing Program, laws concerning; changed, C.58:11B-9.4, amends C.58:11B-9.3, Ch.94.

Solar, wind facilities, development on landfills, resource extraction operations, certain; permitted, C.13:18A-15.1 et al., Ch.141.

Wastewater, sewer service areas, validity; extended, wastewater management planning process; revised, Ch.203.

Wind dependent energy facilities, construction on piers, certain circumstances; permitted, C.13:19-10.1, Ch.20.

EXECUTIVE ORDERS

Assemblyman Peter J. Biondi; death commemorated, No.82.

Clarence A. Clemons, Jr., musician; death commemorated, No.67.

Coach Harry Shatel; death commemorated, No.63.

Congressman John H. Adler; death commemorated, No.59.

Governor’s Advisory Council on Higher Education, recommendations to Governor, certain; required, No.64.

Governor’s Task Force for Recidivism Reduction; created, No.83.

Joseph S. Wargo, police officer; death commemorated, No.76.

Lakewood Police Officer Christopher Anthony Matlosz; death commemorated, No.53.

New Jersey Commission for Early Learning and Development; created, No.77.

New Jersey Education Transformation Task Force; created, No.58.

New Jersey Gaming, Sports and Entertainment Advisory Commission; continued, Executive Order No. 34; superseded, Executive Order No.11; amended, No.69.

Passaic Valley Sewerage Commission, State of Emergency due to certain conditions; declared, No.55.

Pilot program to reduce emissions from non-road diesel powered equipment, certain; established, No.60.

September 11 attacks, anniversary; commemorated, No.74.

State Emergency Operations Plan activated due to Flood Watch, No.57.

State of Emergency due to Hurricane Irene; declared, No.73.

State of emergency due to strong winter-type storm; declared, No.80.

State Strategic Plan Steering Committee; created, No.78.

United States Army Corporal John W. Lutz; death commemorated, No.61.

United States Army First Lieutenant Omar J. Vasquez; death commemorated, No.65.

United States Army Private First Class Benjamin G. Moore; death commemorated, No.54.

EXECUTIVE ORDERS (continued)

United States Army Sergeant Alessandro Plutino; death commemorated, No.71.
United States Army Sergeant James W. Harvey, II; death commemorated, No.68.
United States Army Sergeant John A. Lyons; death commemorated, No.81.
United States Army Staff Sergeant Jorge M. Oliveira; death commemorated, No.79.
United States Army Sergeant Keith Buzinski; death commemorated, No.62.
United States Army Specialist Rafael A. Nieves, Jr.; death commemorated, No.70.
United States Army Specialist Richard C. Emmons; death commemorated, No.66.
United States Army Specialist Ronald H. Wildrick, Jr.; death commemorated, No.84.
United States Army Specialist Ryan A. Gartner; death commemorated, No.56.
United States Marine Corporal Nicholas S. Ott; death commemorated, No.72.
United States Marine First Lieutenant Ryan K. Iannelli; death commemorated, No.75.

FIRE SAFETY

Fire safety information, dissemination, certain; required, C.18A:3B-14.1, Ch.6.
Junior Firemen's Auxiliaries, performance of certain duties at fire sites; permitted, amends N.J.S.40A:14-98, Ch.56.

FISH, GAME AND WILDLIFE

Recreational saltwater fishing registry, establishment by DEP; required, C.23:2B-22, Ch.23.
Saltwater fishing registry program, penalty for violations; provided, amends C.23:2B-22, Ch.159.

GAMES AND GAMBLING

Casino Control Commission, membership; reduced, amends C.5:12-50 et al., Ch.196.
Members of local governing body employed by casinos, guidance; required, amends C.52:13D-17.3, Ch.150.
Off-track wagering facilities, certain, deadline for licensure; extended, amends C.5:5-130, Ch.205.
Pilot program for establishment of electronic terminals for wagering on horse races at certain establishments; established, C.5:5-186, Ch.228.
Wagering on certain professional, collegiate sports or athletic events at casinos, race-tracks; permitted, C.5:12A-1 et seq., amends C.5:12-24 et al., Ch.231.

HEALTH

AIDS Drug Distribution Program; income eligibility to 500% of federal poverty level; restored, Ch.121.
Assisted living residence, comprehensive personal care home, certain circumstances, payment for care of Medicaid residents in alternate facilities; required, C.26:2H-12.61, Ch.16.
Birthing facility, screening newborns for congenital heart defects; required, C.26:2-111.3 et seq., Ch.74.
"Diabetic Peripheral Neuropathy Awareness Week," May; designated, C.36:2-182 et seq., J.R.8.

HEALTH (continued)

- “Emma’s Law,” newborns, screening for lysosomal storage disorders; provided, C.26:2-111.5, Ch.175.
- Huntington’s Disease, issuance of nursing facility license for treatment; permitted, C.26:2H-18h, Ch.208.
- Sickle cell anemia, coverage by insurers; required, C.17:48-6kk et al., Ch.210.
- Independent Health Care Appeals Program, actions to increase public awareness; required, C.26:2S-14.1 et al., Ch.190.
- Medicaid Accountable Care Organization Demonstration Project in DHS; established, C.30:4D-8.1 et seq., Ch.114.
- New Jersey Advisory Council on End-of-Life Care in the Department of Health and Senior Services; established, Ch.113.
- New Jersey Alzheimer’s Disease Study Commission; established, C.26:2M-16 et seq., Ch.76.
- New Jersey Multiple Sclerosis Task Force; established, Ch.157.
- Oral anticancer medications; health benefits coverage; required, C.17:48-6jj et al., Ch.188.
- Ovarian cancer public awareness campaign; established, C.26:2-184.1 et seq., Ch.155.
- Patient data, certain, reporting to DHSS; permitted, amends C.26:2H-12.41, Ch.42.
- “Physician Orders for Life-Sustaining Treatment Act,” C.26:2H-129 et al., Ch.145.
- Surgical technologist, qualifications for employment; required, C.26:2H-12.62 et seq., Ch.148.

HIGHWAYS

- “Chosin Few Memorial Highway,” portion of State Highway Route 35; designated, Ch.12.
- DOT, contract with county, municipality for certain work on highways; permitted, amends C.27:7-21.13, Ch.46.
- Road markings, manufacture, sale of reflective glass beads with high arsenic level; prohibited, C.27:7-44.16 et al., amends C.39:4-191.6, Ch.212.

HOLIDAYS

- “Alcohol Awareness for New Jersey Youth Month,” April; designated, C.36:2-178 et seq., J.R.6.
- “American Red Cross Month,” March; designated, C.36:2-176 et seq., J.R.5.
- “Aphasia Awareness Month,” June; designated, C.36:2-169 et seq., J.R.2.
- “Asperger’s Syndrome Awareness Week,” second full week in April; designated, C.36:2-167 et seq., J.R.1.
- “Children’s Dental Health Month,” February; designated, J.R.3.
- “Colorectal Cancer Awareness Month,” March; designated, C.36:2-184 et seq., J.R.9.
- “K9 Veterans Day”; March 13; designated, C.36:2-173, Ch.54.
- “Lupus Awareness Month,” May; designated, C.36:2-180 et seq., J.R.7.
- Women’s History Month, March; designated, C.36:2-174 et seq., J.R.4

HOSPITALS

Birthing facility, screening newborns for congenital heart defects; required, C.26:2-111.3 et seq., Ch.74.
Independent Health Care Appeals Program, actions to increase public awareness; required, C.26:2S-14.1 et al., Ch.190.
“New Jersey Veterans’ Hospital Task Force”; established, Ch.21.
Patient data, certain, reporting to DHSS; permitted, amends C.26:2H-12.41, Ch.42.
Wounds, injuries, certain, reporting by hospital to police; required, C.2C:58-8.1, amends N.J.S.2C:58-8, Ch.53.

HUMAN SERVICES

Congregate Housing Services Program; recipients, bill of rights; provided, C.52:27D-191.1, Ch.125.
Informed consent to participate in medical research for persons with developmental disabilities, provisions; clarified, amends C.30:6D-5, Ch.182.
Juveniles, sexually exploited, certain, affirmative defense regarding prostitution; provided, C.52:4B-44.1, amends C.2A:4A-21 et al., Ch.195.
Medicaid Accountable Care Organization Demonstration Project in DHS; established, C.30:4D-8.1 et seq., Ch.114.
New Jersey Advisory Council on End-of-Life Care in the Department of Health and Senior Services; established, Ch.113.
Organizations under contract with DHS, DCF, certain; contracting, licensing procedures; established, C.30:1-1.2, Ch.136.
Persons with developmental disabilities, collection, dissemination of data concerning by DHS; required, C.30:6D-32.6 et seq., Ch.163.
“Task Force on the Closure of State Development Centers,” Ch.143.
Youth suicide prevention plan, development, adoption; required, C.30:9A-29 et seq., Ch.166.

INSURANCE

Agreements, certain, right of financial counterparties to terminate, settle; provided, C.17B:32-92, Ch.160.
Auto body repair facilities, certain, type of liability insurance coverage required; clarified, amends C.39:13-2.1, Ch.127.
Oral anticancer medications; health benefits coverage; required, C.17:48-6jj et al., Ch.188.
Personal injury protection benefits, priority of claims; established, amends C.39:6A-9.1, Ch.11.
“Reinsurance and Surplus Lines Stimulus and Enhancement Act,” C.17:22-6.69a et seq., amends C.17:51B-2 et al., Ch.39.
Sickle cell anemia, coverage by insurers; required, C.17:48-6kk et al., Ch.210.
Surplus lines insurance premium taxes, method of regulation, collection; revised, C.17:22-6.69 et seq., amends C.17:22-6.41 et al., Ch.119.
Wholly-owned insurance subsidiaries; regulated, C.17:47B-1 et seq., Ch.25.

INTERSTATE RELATIONS

“Rockland-Bergen Watershed Flood Prevention and Protection Act,” C.32:20B-1 et seq., Ch.177.

JOINT RESOLUTIONS

“Alcohol Awareness for New Jersey Youth Month,” April; designated, C.36:2-178 et seq., J.R.6.

“American Red Cross Month,” March; designated, C.36:2-176 et seq., J.R.5.

“Aphasia Awareness Month,” June; designated, C.36:2-169 et seq., J.R.2.

“Asperger’s Syndrome Awareness Week,” second full week in April; designated, C.36:2-167 et seq., J.R.1.

“Children’s Dental Health Month,” February; designated, J.R.3.

“Colorectal Cancer Awareness Month,” March; designated, C.36:2-184 et seq., J.R.9.

“Diabetic Peripheral Neuropathy Awareness Week,” May; designated, C.36:2-182 et seq., J.R.8.

“Lupus Awareness Month,” May; designated, C.36:2-180 et seq., J.R.7.

United States Preventive Services Task Force recommendation against prostate-specific antigen-based screening, withdrawal request; memorialized, J.R.10.

Women’s History Month, March; designated, C.36:2-174 et seq., J.R.4

LABOR

Employee leasing companies, regulations concerning; changed, C.54:54-1 et seq., amends C.34:8-67 et al., Ch.118.

Gender equity in the workplace; promoted, amends C.34:15C-22, Ch.186.

Small business loan program within the New Jersey Economic Development Authority; established, C.34:1B-241.1 et seq., Ch.201.

Unemployed persons, exclusion in advertisements for job vacancies; prohibited, C.34:8B-1 et seq., Ch.40.

Urban transit hub tax credit program, various changes, NJ Meadowlands area properties, certain, eligibility for incentive grants; provided, amends C.34:1B-208 et al., Ch.89.

LANDLORD AND TENANT

“Good Neighbor Act,” amends C.40:48-2.12q, Ch.193.

LIBRARIES

Library trustees, transferring donated funds to municipality; prohibited, financing of certain deficits by municipality; permitted, C.40A:4-89, amends R.S.40:54-15 et al., Ch.224.

Municipal, joint free public libraries, dedicated line item on property tax bill for funding; provided, amends R.S.40:54-8 et al., Ch.38.

MILITARY AND VETERANS

Beach badges, provision of free, reduced fee to active military and NJ National Guard personnel by municipality; permitted, amends C.40:61-22.20, Ch.75.

Educational information provided on websites; required, C.18A:62-52 et al., Ch.151.

MILITARY AND VETERANS (continued)

- “K9 Veterans Day”; March 13; designated, C.36:2-173, Ch.54.
- Marriage, entry into civil union by proxy for certain military personnel serving overseas, C.37:1-17.3, amends R.S.26:8-41 et al., Ch.179.
- “New Jersey Veterans’ Hospital Task Force”; established, Ch.21.
- “NJ National Guard State Family Readiness Council Fund”; established, designation on gross income tax return for voluntary contributions; provided, C.54A:9-25.29, Ch.117.
- Task force to study treatment of veterans diagnosed with post traumatic stress disorder in judicial proceedings; established, Ch.185.
- Veteran-Owned Business Assistance Act, C.52:32-49 et seq., Ch.147.
- “Veteran to Veteran Peer Support Program” telephone hotline; established, C.38A:13-10 et seq., Ch.116
- Veterans Haven Council; created, C.38A:3-47 et seq., Ch.170.

MOTOR VEHICLES

- “Anti-Snow Dumping Act,” C.39:4-77.3, Ch.110.
- Auto body repair facilities, certain, type of liability insurance coverage required; clarified, amends C.39:13-2.1, Ch.127.
- Bus inspections on casino-owned property; certain; prohibited, amends C.48:4-2.1e et al., Ch.162.
- EZ Pass transponders, lost or stolen, degree of crime, penalties; established, C.2C:20-38 et al., amends N.J.S.2C:20-2, Ch.1.
- Flashing amber warning lights on sanitation vehicles; authorized, C.39:3-54.27, Ch.3.
- Fuel prices for cash and credit card customers, display; required, amends C.56:6-2.3, Ch.152.
- Gold Star Family motor vehicle license plates; authorized, C.39:3-27.141 et seq., Ch.17.
- Motorcycles, new safety provisions; established, C.39:3-76.11, amends R.S.39:3-10 et al., repeals C.27:5F-38, Ch.13.
- Motorcycle sales, permitted on Sunday, certain circumstances, C.39:10-38, amends C.2C:33-26, Ch.29.
- Motor vehicle franchises, laws concerning; revised, C.56:10-30 et seq., amends C.56:10-7.3 et al., Ch.66.
- NJDOT safety, emergency patrol vehicles, equipment, advertising sponsorship, certain; permitted, amends C.27:1A-5, Ch.133.
- Personal injury protection benefits, priority of claims; established, amends C.39:6A-9.1, Ch.11.
- Sara’s Law, establishment of next-of-kin program; required, C.39:4-134.2 et seq., amends C.39:3-29.3, Ch.47.
- School buses, certain, service life; extended, amends C.39:3B-5.1, Ch.130.
- Taxicab laws; changed, C.48:16-2.1 et seq., Ch.135.

MUNICIPALITIES

- Beach badges, provision of free, reduced fee to active military and NJ National Guard personnel by municipality; permitted, amends C.40:61-22.20, Ch.75.

MUNICIPALITIES (continued)

- Board of fire commissioners, amending of budget, certain; permitted, amends C.40A:14-78.5, Ch.153.
- Budgets, approved, of counties, municipalities, posting by DCA on website, certain circumstances; required, amends N.J.S.40A:4-10 et al., Ch.7.
- “Bulletin NJ” local public bidding and employment database; provided, C.40A:11-23.4 et seq., Ch.71.
- EMTs, appointment of laid off, certain, to vacant paid positions; permitted, C.40A:14-215 et seq., Ch.192.
- Library trustees, transferring donated funds to municipality; prohibited, financing of certain deficits by municipality; permitted, C.40A:4-89, amends R.S.40:54-15 et al., Ch.224.
- Members of local governing body employed by casinos, guidance; required, amends C.52:13D-17.3, Ch.150.
- Municipal Consolidation Study Commissions, combination of voter petitions and applications; permitted, amends C.40A:65-25, Ch.55.
- “New Jersey Property Assessment Clean Energy (NJ PACE) Municipal Financing Program”; established, C.40:56-1.4 et al, amends C.40:37A-55, Ch.187.
- Open space trust funds, use for purchase of flood-prone properties; permitted, amends C.40:12-15.1 et al., Ch.173.
- Public property, unneeded, certain, sale, lease for “urban” farming, gardening purposes; permitted, amends C.40A:12-15.1 et al., Ch.171.
- Reexamination of municipal master plan at least once every ten years; required, amends C.40:55D-89, Ch.65.
- Statewide non-residential development fees, moratorium on imposition; extended, return of certain fees; required, amends C.40:55D-8.6 et al., Ch.122.
- Urban farming, gardening, lease, sale to certain nonprofits for encouragement, facilitation; authorized, C.40A:12-15.1, amends C.40A:12-15 et al., Ch.35.

NURSING HOMES, ROOMING AND BOARDING HOMES

- Assisted living facility and comprehensive personal care home resident rights; established, C.26:2H-128, Ch.58.
- Assisted living residence, comprehensive personal care home, certain circumstances, payment for care of Medicaid residents in alternate facilities; required, C.26:2H-12.61, Ch.16.
- Huntington’s Disease, issuance of nursing facility license for treatment; permitted, C.26:2H-18h, Ch.208.

PARTNERSHIPS

- Professional corporation, use, registration of alternate name, use of certain abbreviations in business names; permitted, amends C.14A:17-14 et al., Ch.27.

PENSIONS AND RETIREMENT

- Pension, health care benefits for public employees, laws concerning; revised, C.43:3C-16 et al., amends N.J.S.18A:66-56 et al., repeals C.52:14-17.28a et al., Ch.78.

PENSIONS AND RETIREMENT (continued)

Provision of certain health benefit plans by public employers to employees, requirement; repealed, repeals C.52:14-17.29q, Ch.79.

Public employers, compliance with requirements for State-administered retirement systems; required, C.43:3C-15, Ch.52.

PLANNING AND ZONING

Collocations of wireless equipment, certain, exemption from site plan approval; provided, C.40:55D-46.2, Ch.199.

General development plan approvals, long-term vesting of preliminary and final site plan approvals in Smart Growth areas, availability; expanded, amends C.40:55D-45.3 et al., Ch.86.

Title recordation, laws concerning; revised, N.J.S.46:26A-1 et al., repeals R.S.46:15-1.1 et al., Ch.217.

POLICE

DNA database, expansion to include samples from certain violent arrestees; provided, C.2C:29-11, amends C.53:1-20.18 et al., Ch.104.

Police training courses, certification lasts five years; established, amends C.52:17B-68, Ch.158.

“Schultz’s Law,” killing of police, search and rescue dog, penalties; increased, amends C.2C:29-3.1, Ch.77.

Wounds, injuries, certain, reporting by hospital to police; required, C.2C:58-8.1, amends N.J.S.2C:58-8, Ch.53.

PROFESSIONS AND OCCUPATIONS

Board of Medical Examiners, actions to investigate licensees, certain circumstances; required, amends R.S.45:9-1 et al., Ch.22.

“Foreclosure Rescue Fraud Prevention Act,” C.46:10B-53 et seq., amends C.17:1C-34, Ch.146.

“Physician Orders for Life-Sustaining Treatment Act,” C.26:2H-129 et al., Ch.145.

Propane services, performance by certain contractors; permitted, amends C.52:27D-511, Ch.43.

Surgical technologist, qualifications for employment; required, C.26:2H-12.62 et seq., Ch.148.

Taxicab laws; changed, C.48:16-2.1 et seq., Ch.135.

Unauthorized practice of law, offenses; upgraded, civil action; created, ban from appointment as notary public; provided, C.2C:21-22a et al., amends C.2C:21-22 et al., Ch.209.

PROPERTY

“Museum Unclaimed Loan Act,” C.46:30-1 et seq., Ch.109.

PUBLIC CONTRACTS

“Bulletin NJ” local public bidding and employment database; provided, C.40A:11-23.4 et seq., Ch.71.

PUBLIC EMPLOYEES

Public employee assistance programs, confidentiality standards; provided, employer actions against participants; prohibited, C.34:13A-40 et seq., Ch.69.

Public employers, compliance with requirements for State-administered retirement systems; required, C.43:3C-15, Ch.52.

Residence in-State for certain public officers, employees; required, Ch.70.

Wireless telephones, electronic communication devices issued by public entities, activation to receive Amber Alerts; required, C.52:17B-194.3a et seq., Ch.2.

PUBLIC RECORDS

Owners of foreclosed property, certain, filing of contact information; required, C.46:10B-51.1, Ch.222.

PUBLIC UTILITIES

BPU orders, issuance in writing, posting on Internet; required, amends R.S.48:2-40, Ch.63.

BPU, review safety of installation, maintenance of certain solar, photovoltaic electric generation equipment, Ch.226.

Businesses paying societal benefits charges, certain, eligibility for energy-related incentives, funding, certain; provided, C.48:3-60.2, Ch.126.

Commercial, industrial ratepayers, credit against societal benefits charge for certain costs; established, C.48:3-60.3, Ch.216.

Distributed generation customers, imposition of standby charges; regulated, C.48:2-21.37 et seq., Ch.219.

Long-term capacity agreement pilot program to promote construction of qualified electric generation facilities; established, C.48:3-98.2 et al., amends C.48:3-5.1, Ch.9.

Online process for submission of required documents by BPU regulated, licensed entities, establishment; required, C.48:5A-10.1 et seq., Ch.221.

RACING

Exchange wagering on horse races, certain circumstances; authorized, C.5:5-168 et seq., amends C.5:5-65.1 et seq., Ch.15.

New Jersey Sports and Exposition Authority, powers relative to horse racing; revised, amends C.5:10-7 et al., Ch.96.

Off-track wagering facilities, certain, deadline for licensure; extended, amends C.5:5-130, Ch.205.

Off-track wagering provisions, certain; revised, C.5:5-151.1, amends C.5:5-128 et seq., Ch.26.

Pilot program for establishment of electronic terminals for wagering on horse races at certain establishments; established, C.5:5-186, Ch.228.

Simulcasting, placing of wagers, certain circumstances; permitted, amends C.5:5-22.2, Ch.48.

Single parimutuel pool for each running or harness horse race by permitholders; permitted, C.5:5-62.1, Ch.14.

Standardbred horse racing, number of required race dates; decreased, distribution of certain purse moneys, maximum amount; increased, amends C.5:5-156 et al., Ch.50.

RAILROADS

“Daniel J. O’Hern Station – Red Bank, New Jersey”; designated, Ch.111.

REAL PROPERTY

“Foreclosure Rescue Fraud Prevention Act,” C.46:10B-53 et seq., amends C.17:1C-34, Ch.146.

Homes, seasonal rentals, sales, certain, exemption from bulk sale notification requirements; provided, amends C.54:50-38, Ch.124.

Owners of foreclosed property, certain, filing of contact information; required, C.46:10B-51.1, Ch.222.

Title recordation, laws concerning; revised, N.J.S.46:26A-1 et al., repeals R.S.46:15-1.1 et al., Ch.217.

RECREATION

Downhill skiing, helmet, certain circumstances; required, C.5:13-12, Ch.41.

REORGANIZATION PLANS

Amistad Commission and powers, functions, duties transferred to the Department of Education, No.004-2011.

Council on Affordable Housing; abolished, functions, powers, duties transferred to the Department of Community Affairs, No.001-2011.

Division of Business Assistance, Marketing, and International Trade, and powers, functions, duties, transferred to the Department of State, No.003-2011.

New Jersey Commission on Higher Education; abolished, transfer of functions, powers, duties to the Secretary of Higher Education, No.005-2011.

State Planning Commission, Office of Smart Growth, and powers, functions, duties transferred to the Department of State, No.002-2011.

SCHOOLS

Annual school election, procedures for moving date; established, C.19:60-1.1 et al., amends C.18A:7F-5 et al., Ch.202.

Cheerleaders, inclusion in student-athlete head injury safety program; required, amends C.18A:40-41.2 et al., Ch.168.

County colleges, vocational schools, establishment of green job certification programs; authorized, C.18A:54-24.1 et al., Ch.137.

Dating violence policy and education in public schools, development; required, C.18A:37-33 et al., Ch.64.

“Jersey Fresh Farm to School Week”; established, C.4:10-25.1 et seq., Ch.10.

Members of board of education, charter school board of trustees, disqualification for conviction of certain crimes, criminal history background investigation; required, C.18A:12-1.2 et al., Ch.72.

Nonpublic schools, high-performing in failing school districts, conversion into charter schools; permitted, C.18A:36A-4.1, amends C.18A:36A-4 et al., Ch.140.

Public school pupil eligible for transportation services, waiver by parent; permitted, C.18A:39-1c, Ch.132.

SCHOOLS (continued)

Students with disabilities, bringing service animal to school; permitted, C.18A:46-13.2 et seq., Ch.156.

“Urban Hope Act,” C.18A:36C-1 et seq., Ch.176.

SENIOR CITIZENS

“Senior Gold Prescription Discount Program,” display of information on tax return instructions; required, C.30:4D-48.1, Ch.131.

SEWERAGE

Wastewater, sewer service areas, validity; extended, wastewater management planning process; revised, Ch.203.

SOLID WASTE

Disclosure requirements for licensing of solid, hazardous waste operations, exemptions, certain; provided, amends C.13:1E-127 et seq., Ch.68.

STATE GOVERNMENT

Agency rule-making, new procedure; established, C.52:14B-4.10, Ch.33.

Application, uniform, for use by small businesses to apply for certain financial assistance programs; required, C.52:14B-21.1 et seq., Ch.123.

Atlantic City Tourism District; established, CRDA, powers, duties; expanded, C.5:12-218 et seq., amends C.5:12-156 et al., Ch.18.

Business permits relative to economic development projects, process; streamlined, C.52:14B-26 et seq., Ch.34.

Casinos, licensing, regulation, laws concerning; changed, C.5:12-6.1 et al., amends C.5:12-1 et al., repeals C.5:12-11.1 et al., Ch.19.

Chief Technology Officer conduct of study of costs and benefits of replacing certain State computing systems; directed, Ch.61.

Cooperative purchasing agreements, participation of local units; permitted, amends C.52:34-6.2, Ch.139.

Fort Monmouth Economic Revitalization Authority, appointment of members, procedure; changed, amends C.52:27I-25, Ch.197.

Internet website, establishment by governmental entities; required, C.4:24-20.1 et al., amends C.26:3-86 et al., Ch.167.

Reports, publications printed by State, printing requirements; reduced, Internet availability; required, C.52:14-20.1, amends R.S.52:14-18 et al., repeals R.S.52:14-21 et al., Ch.184.

Rule-making, State agencies, chapter expiration date, procedure for readoption of rules; changed, amends C.52:14B-5.1, Ch.45.

State agencies, publication of rules in NJ Register, use of regulatory guidance documents, certain; prohibited, C.52:14B-3a, Ch.215.

State oversight of municipalities in the Transitional Aid to Localities Program, C.52:27D-118.42a, Ch.144.

State Public Safety Interoperable Communications Coordinating Council; established, C.52:17C-3.2 et seq., amends C.52:17C-3 et al., repeals C.52:17E-1 et al., Ch.4.

STATE GOVERNMENT (continued)

State surplus computers, updated procedures for disposition; provided, C.52:27B-67.2, amends C.52:27B-67.1, Ch.225.

Victim compensation, limitations, certain; imposed, amends C.52:4B-18 et seq., Ch.165.

Website providing clearinghouse of information for nonprofits, establishment, maintenance; required, C.52:16A-110 et seq., Ch.73.

TAXATION

Alternative business calculation under gross income tax; established, C.54A:3-9, Ch.60. "American Red Cross-NJ Fund"; created, C.54A:9-25.30, Ch.211.

"Boys and Girls Club in New Jersey Fund," designation on the State gross income tax return for contributions; established, C.54A:9-25.28, Ch.57.

Corporation business tax research credit, limit on application; eliminated, amends C.54:10A-5.24, Ch.83.

Cosmetic medical procedure gross receipts tax; phased-out, C.54:32E-2, Ch.189.

Employee leasing companies, regulations concerning; changed, C.54:54-1 et seq., amends C.34:8-67 et al., Ch.118.

"Girl Scouts Councils in New Jersey Fund"; established, C.54A:9-25.31, Ch.227.

"Grow New Jersey Assistance Act," C.34:1B-242 et seq., amends C.34:1B-208 et al., repeals C.34:1B-117, Ch.149.

Homes, seasonal rentals, sales, certain, exemption from bulk sale notification requirements; provided, amends C.54:50-38, Ch.124.

"NJ National Guard State Family Readiness Council Fund"; established, designation on gross income tax return for voluntary contributions; provided, C.54A:9-25.29, Ch.117.

Sales and use tax exemptions for certain sales to UEZ qualified businesses, rebate procedures; eliminated, amends C.52:27H-79, Ch.28.

Sales and use tax, regulations changed to maintain compliance with Streamlined Sales and Use Tax Agreement, C.54:32B-8.61 et seq., amends C.54:32B-2 et al., Ch.49.

"Senior Gold Prescription Discount Program," display of information on tax return instructions; required, C.30:4D-48.1, Ch.131.

Single sales fraction for corporation business tax income allocation formula, phased in, airline specific sales fraction; established, C.54:10A-6.3, amends C.54:10A-6, Ch.59.

Subchapter S corporations, certain, minimum corporation business tax; decreased, amends C.54:10A-5, Ch.84.

Surplus lines insurance premium taxes, method of regulation, collection; revised, C.17:22-6.69 et seq., amends C.17:22-6.41 et al., Ch.119.

TOBACCO

Contraband tobacco products, cigarettes, procedure for destroying; established, C.54:40B-13.1, amends C.54:40A-30 et al., Ch.80.

TRADE REGULATION

Fuel prices for cash and credit card customers, display; required, amends C.56:6-2.3, Ch.152.

Labeling of farm products, laws concerning; clarified, extended, C.4:10-19.2, amends R.S.4:10-5 et al., repeals R.S.4:10-15, Ch.218.

Motor fuel purchases, certain, certain rebates, allowances, concessions, benefits; permitted, amends C.56:6-2, Ch.164.

“New Jersey Trade Secrets Act,” C.56:15-1 et seq., Ch.161.

TRANSPORTATION

Wireless telephones, electronic communication devices, use by operators of public transit vehicles in certain situations; prohibited, C.27:25-5.18, Ch.5.

UNEMPLOYMENT COMPENSATION

Beneficiaries, certain functions relative to claims, performed online; permitted, amends R.S.43:21-6, Ch.32.

Employer unemployment insurance tax rates; modified, amends R.S.43:21-7, Ch.81.

Extended unemployment benefits, certain circumstances; provided, amends C.43:21-24.11, Ch.51.

Extended unemployment benefits, eligibility; changed, amends C.43:21-24.11, Ch.206.

Shared work programs, benefits; required, C.43:21-20.3 et seq., amends C.34:21-5 et al., Ch.154.

Workers filing unemployment insurance claims, specific instructions; required, amends R.S.43:21-6, Ch.87.

URBAN RENEWAL

Urban transit hub tax credit program, various changes, NJ Meadowlands area properties, certain, eligibility for incentive grants; provided, amends C.34:1B-208 et al., Ch.89.

WOMEN

Gender equity in the workplace; promoted, amends C.34:15C-22, Ch.186.

Statutes, obsolete concerning status of women; repealed, repeals N.J.S.3A:37-3 et al., Ch.115.

WORKERS' COMPENSATION

Worker taxes paid into State disability benefits fund, annual adjustments; provided, amends R.S.43:21-7 et al., Ch.88.